

WEDNESDAY, APRIL 10, 2002
EIGHTY-SECOND LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....90

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Brown; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 239: Rep(s). Davis (Washington) as prime sponsor(s).

House Resolution No. 241: Rep(s). Scroggs as prime sponsor(s).

House Resolution No. 242: Rep(s). Todd and Hargett as prime sponsor(s).

House Resolution No. 243: Rep(s). Hargett as prime sponsor(s).

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House Joint Resolution No. 682: Rep(s). Sargent, Vincent, Roach, Montgomery and Newton as prime sponsor(s).

House Joint Resolution No. 740: Rep(s). Mumpower, Godsey and Westmoreland as prime sponsor(s).

House Joint Resolution No. 815: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 816: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 817: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 818: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 819: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 820: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 821: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 822: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 823: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 824: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 825: Rep(s). Goins as prime sponsor(s).

House Joint Resolution No. 826: Rep(s). Goins as prime sponsor(s).

House Bill No. 1724: Rep(s). Shaw as prime sponsor(s).

House Bill No. 1913: Rep(s). Turner (Hamilton) as prime sponsor(s).

House Bill No. 2069: Rep(s). Turner (Davidson), Pruitt, S. Jones, Arriola, West, Briley, Garrett and Langster as prime sponsor(s).

House Bill No. 2227: Rep(s). Bone and Naifeh as prime sponsor(s).

House Bill No. 2236: Rep(s). Langster as prime sponsor(s).

House Bill No. 2622: Rep(s). Sargent and Turner (Hamilton) as prime sponsor(s).

House Bill No. 2769: Rep(s). Shaw as prime sponsor(s).

House Bill No. 2992: Rep(s). S. Jones, Pruitt, Arriola, Briley and Turner (Davidson) as prime sponsor(s).

House Bill No. 3015: Rep(s). Armstrong, Tindell, Newton, McDonald, Kent, Turner (Hamilton) and Hargett as prime sponsor(s).

MESSAGE FROM THE SENATE

April 4, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2483, 3234, 3235, 3236, 3238, 3242, 3243, 3244, 3248; also, House Joint Resolution(s) No(s). 809; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 4, 2002

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2483, 3234, 3235, 3236, 3238, 3242, 3243, 3244, 3248; also, House Joint Resolution(s) No(s). 809.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 4, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 778, 781, 783, 784, 785, 786, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808 and 810.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 4, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2008, 2009, 2044, 2062, 2066, 2067, 2068, 2077, 2085, 2086, 2105, 2118, 2129, 2135, 2175, 2215, 2321, 2487, 2527, 2561, 2644, 2762, 2791, 2795, 2802, 2830, 2865, 2914, 2941, 2951, 2960, 3066, 3132, 3159; also, Senate Joint Resolution(s) No(s). 529, 593, 616, 629 and 630 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 4, 2002

The Speaker signed the following: Senate Bill(s) No(s). 2008, 2009, 2044, 2062, 2066, 2067, 2068, 2077, 2085, 2086, 2105, 2118, 2129, 2135, 2175, 2215, 2321, 2487, 2527, 2561, 2644, 2762, 2791, 2795, 2802, 2830, 2865, 2914, 2941, 2951, 2960, 3066, 3132, 3159; also, Senate Joint Resolution(s) No(s). 529, 593, 616, 629 and 630.

MESSAGE FROM SENATE

April 4, 2002

MR. SPEAKER: I am directed to request the return of House Bill(s) No(s). 2520, for further consideration.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 4, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 131; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

April 4, 2002

The Speaker signed the following: Senate Bill(s) No(s). 131.

ENROLLED BILLS

April 8, 2002

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 237; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 8, 2002

The Speaker signed the following: House Resolution(s) No(s). 237.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 8, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 618, 647, 745, 747, 748, 749, 750, 751, 754, 756, 759, 760, 762, 763, 764, 765, 766, 767, 769, 771, 773, 774, 775, 776 and 777, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 9, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2483, 2903, 3234, 3235, 3236, 3242, 3243, 3244, 3248, also, House Joint Resolution(s) No(s). 648 and 809; with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 626; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 626 -- Memorials, Public Service - Ron Williams, White House Citizen of the Year. by *Graves.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2255 and 3197; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2255** -- Business and Commerce - Places certain notice and disclosure requirements on covered employer who establishes drug-free workplace. Amends TCA Title 50, Chapter 6 and Title 50, Chapter 9. by *Cooper J. (HB2511 by *Briley)

Senate Bill No. 3197 -- Loudon County - Subject to local approval, increases school board to 10 members. - Repeals Chapter 172 of the Private Acts of 1979. by *McNally. (HB3253 by *Johnson)

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2377; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2377** -- Criminal Offenses - Creates criminal offense of theft of rock or stone walls punishable as Class C misdemeanor. Amends TCA Title 39, Chapter 14, Part 1. by *Henry. (HB2622 by *Odom, *Sargent, *Turner (Hamilton))

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1901; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3196; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 413; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2182; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2182** -- Arrests - Clarifies that officer may issue citation to person charged with violating financial responsibility law instead of keeping such person in custody. Amends TCA Section 40-7-118. by *Cohen, *Dixon. (HB2394 by *Kent)

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 597, 608, 609, 610, 612, 613, 614, 615, 617, 618, 619, 620, 621 and 622; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 597** -- General Assembly, Statement of Intent or Position - Endorses concept of limiting motion picture previews to advertising motion pictures of same rating as feature presentation. by *Burchett, *Kyle.

***Senate Joint Resolution No. 608** -- General Assembly, Confirmation of Appointment - J.W. "Jim" Carpenter, Tennessee Forestry Commission. by *Wilder.

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Senate Joint Resolution No. 609 -- Memorials, Death - Dr. John M. Eisenberg. by *Cohen.

Senate Joint Resolution No. 610 -- Memorials, Personal Occasion - Mr. and Mrs. Wade Hudgens, Jr., 55th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 612 -- Memorials, Congratulations - Margo McCawley. by *Person, *Norris, *Williams, Sen..

Senate Joint Resolution No. 613 -- Memorials, Death - J. Carson Ridenour, Sr. by *McNally, *Davis L.

Senate Joint Resolution No. 614 -- Memorials, Death - Tami Dawn Ashley. by *McNally.

Senate Joint Resolution No. 615 -- Memorials, Death - Kenneth L. Vander Sluis. by *McNally.

Senate Joint Resolution No. 617 -- Memorials, Recognition - Central Library of Memphis-Shelby County Public Library & Information Center. by *Cohen, *Dixon, *Kyle.

Senate Joint Resolution No. 618 -- Memorials, Sports - Dalewood Middle School Football team. by *Crutchfield.

Senate Joint Resolution No. 619 -- Memorials, Recognition - Theodore "Ted" Bryant, Sr. by *Crutchfield.

Senate Joint Resolution No. 620 -- Memorials, Sports - Eric Westmoreland. by *Crutchfield.

Senate Joint Resolution No. 621 -- Memorials, Retirement - Harold Coker. by *Fowler, *McNally, *Williams, Sen..

Senate Joint Resolution No. 622 -- Memorials, Recognition - Phillips & Jordan, Inc. for work in clearing World Trade Center site. by *Burchett, *McNally, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

MESSAGE FROM THE SENATE
April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 640; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 640 -- Memorials, Government Officials - Encourages Governor to recognize April 16, 2002, as "Equal Pay Day" in Tennessee. by *Dixon, *Blackburn, *Burks, *Graves, *Harper, *Kurita.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2520; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Bone was recognized in the Well to introduce General Wood of the 118th Airwing of the Tennessee Air National Guard, for remarks. Following the remarks, the presentation "Operation Patriotism" was performed for House members.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 17, 2002:

***House Joint Resolution No. 832** -- Memorials, Government Officials - Encourages Governor to recognize April 16, 2002, as "Equal Pay Day" in Tennessee. by *DeBerry L, *Naifeh.

House Joint Resolution No. 833 -- Memorials, Recognition - Community Development Services, Inc. by *Maddox, *Ridgeway, *Pinion, *Shepard.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 555** -- Constitutional Amendments - Proposes amendment to Article VI, Section 14 of Tennessee Constitution, relative to general assembly prescribing maximum fine to be assessed without jury. by *Haynes, *Cohen, *Dixon.

Held on House Desk

***Senate Joint Resolution No. 569** -- General Assembly, Statement of Intent or Position - Expresses sense that each school-age child should have access to and participate in daily physical education and activity as part of educational experience; encourages public schools to promote physical activity and well-being among students to combat prevalence of obesity among Tennessee's children and teenagers. by *Henry.

House Education Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3265 -- Williamson County - Pursuant to local request, authorizes refunding bonds for prior bonded indebtedness of Franklin Special School District. Amends Chapter 563 of the Private Acts of 1949, as amended. by *Casada.

House Bill No. 3266 -- Williamson County - Pursuant to local request, authorizes Franklin Special School District to issue bonds or notes up to \$3,000,000 to provide for construction and equipping of school buildings and facilities. Amends Chapter 563 of the Private Acts of 1949. by *Casada.

House Bill No. 3267 -- Robertson County - Subject to local approval, authorizes county commission to establish and maintain six highway commission zones of substantially equal population. Amends Chapter 380 of the Private Acts of 1947; as amended. by *Davidson.

House Bill No. 3268 -- Jackson - Subject to local approval, revises charter of City of Jackson. Amends Chapter 101 of the Private Acts of 1993. by *Kisber.

House Bill No. 3269 -- McKenzie - Pursuant to local request, revises tax rate for McKenzie Special School District. Amends Chapter 533 of the Private Acts of 1917, as amended. by *Maddox.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 174** -- Pensions and Retirement Benefits - Corrects internal cross-reference to TCA section regarding definition of member of superseded retirement system. Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37. by *Atchley. (HB230 by *Rhinehart)

***Senate Bill No. 264** -- Welfare - Allows state, pursuant to federal statute, to exempt individual convicted of felony involving possession, use, or distribution of controlled substance from federal prohibition against eligibility for Families First program and for food stamps if such individual is in treatment for substance abuse or has completed treatment. Amends TCA Title 71. by *Harper. (HB782 by *Briley, *Arriola, *Pruitt, *Langster, *Shaw)

***Senate Bill No. 467** -- Teachers, Principals and School Personnel - Adds "terms and conditions of service" and "working conditions" to areas of negotiation covered by Education Professional Negotiations Act; provides for liberal construction of terms. Amends TCA Section 49-5-601. by *Kyle, *Cooper J, *Crutchfield. (HB1913 by *Davidson, *Winningham, *Williams, *Shaw, *Towns, *Davis (Cocke), *Whitson, *Sands, *Jones, S.)

***Senate Bill No. 1492** -- Salaries and Benefits - Requires prevailing wage commission to determine prevailing wage for building construction annually instead of biennially and to take into consideration fringe benefits in calculating prevailing wage for such industry. Amends TCA Title 12, Chapter 4, Part 4. by *Graves. (HB1194 by *DeBerry L, *Bowers, *Chumney)

Senate Bill No. 1958 -- Safety, Dept. of - Authorizes department to transfer information contained on license applications to federal selective service system. Amends TCA Title 55, by *Burchett. (*HB1985 by *Bittle, *Shepard)

***Senate Bill No. 2027** -- Tennessee Regulatory Authority - Permits TRA to regulate transmission of unsolicited faxes and authorizes TRA to fine violators up to \$2,000 per unauthorized fax page; fines to be deposited to public utilities account of state treasurer. Amends TCA Title 65, Chapter 4, by *Henry, *Cooper J, *Cohen. (HB2277 by *Kisber)

***Senate Bill No. 2103** -- Sunset Laws - TennCare claims processing panel, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 56, Chapter 32, by *Harper, *Burchett, *Trail. (HB2749 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 2174** -- County Government - Removes provisions for county appointment of project superintendents who supervise erection of new jail or courthouse. Amends TCA Title 5, Chapter 7, Part 1, by *Burchett. (HB2625 by *Bittle)

***Senate Bill No. 2380** -- Education - Allows department of education to extend temporary certificate of approval for fire and environmental safety for schools from 45 days to 60 days. Amends TCA Title 49, by *Graves. (HB3176 by *Davidson)

Senate Bill No. 2392 -- Public Health - Enacts "Tennessee Emergency Health Powers Act." Amends TCA Title 68, by *Dixon. (*HB2271 by *Bowers)

Senate Bill No. 2488 -- Nurses, Nursing - Establishes classification of advance practice nurse. Amends TCA Section 63-1-132; Section 63-7-106; Section 63-7-123 and Section 63-7-207, by *Cooper J, *Harper, *Crutchfield, *Wilder. (*HB2429 by *Odom, *Black, *Bowers, *Cole (Dyer), *Harwell, *Jones, S.)

***Senate Bill No. 2514** -- Taxes, Hotel Motel - Removes limitation prohibiting multiple taxation of same privilege with respect to occupancy tax and limitation on city or county to levy tax in circumstances where county and/or city has levied occupancy tax where city has constructed qualifying project under Convention Center and Tourism Development Financing Act of 1998. Amends TCA Section 67-4-1425 and Section 67-4-503, by *Crutchfield. (HB2506 by *Brown)

Senate Bill No. 2695 -- Libraries - Defines "publications of records" and requires state agencies and departments to send two printed copies of all publications of record to libraries designated as depositories of state documents. Amends TCA Title 12, Chapter 6, Part 1, by *Crutchfield. (*HB2452 by *Davidson)

***Senate Bill No. 2726** -- Professions and Occupations - Makes certain changes and additions to practice of dentistry provisions, including provisions affecting licensure, continuing education, areas of practice, disability of practitioners, and scope of practice. Amends TCA Title 63, Chapter 5, Part 1, by *Person, *McNally, *Herron. (HB3203 by *McMillan, *Odom, *Jones, S.)

Senate Bill No. 3061 -- Wills - Modifies current statutory language to ensure that circuit courts actually exercise concurrent jurisdiction, with courts of record having probate jurisdiction, to conduct trials upon validity of wills. Amends TCA Title 32, Chapter 4, Part 1, by *Fowler, *Kyle. (*HB3119 by *Buck, *Sands)

Senate Bill No. 3080 -- Banks and Financial Institutions - Clarifies that out of state trust institution may act as fiduciary "in this state" instead of "from a trust office." Amends TCA Title 45, Chapter 2. by *Clabough. (*HB3153 by *Stanley)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3259 -- Obion County -- Local Bill Held on House Desk

House Bill No. 3260 -- Tipton County -- Local Bill Held on House Desk

House Bill No. 3261 -- Gibson County -- Local Bill Held on House Desk

House Bill No. 3263 -- Carroll County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 4, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 10, 2002**: House Bill(s) No(s). 532, 2539, 2271, 2335, 2336, 2808, 2118 and 3193.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 10, 2002**: House Bill(s) No(s). 2592, 2593, 2613, 2696, 2535, 3078, 1516 and 2227.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 9, 2002**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 10, 2002**: House Bill(s) No(s). 2276, 3015, 2277, 3028, 2949, 2669, 3147, 2918, 2375, 1724, 2886, 2907, 240, 2334, 2941, 2394, 76, 2069, 2778, 2622, 1201, 3020, 3119, 2915 and 2969.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 10, 2002**: House Resolution(s) No(s). 222, House Joint Resolution(s) No(s). 704 and 740.

AGRICULTURE

The Agriculture Committee recommended for passage: Senate Joint Resolution(s) No(s). 554. Under the rules, each was transmitted to the Calendar and Rules Committee.

CHILDREN AND FAMILY AFFAIRS

The Children and Family Affairs Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2476 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMERCE

The Commerce Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2889, 3178, 2067, 2892, 2606 and 2546 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2485 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2301 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Joint Resolution(s) No(s). 592 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2519, 3161, 2893, 896, 2280, 2064, 3131, 2693, House Joint Resolution(s) No(s). 723, Senate Joint Resolution(s) No(s). 497, also House Bill(s) No(s). 2283 and 2526 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 3134 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2273, 2429 and 3043 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2628, House Joint Resolution(s) No(s). 770 and 680, also House Bill(s) No(s). 2831, 2430, 2873, 2200, 2967, 2183, 451 and 1036 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2342, 1056 and 2629 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reports that House Bill(s) No(s). 3023 was considered, but failed to pass.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 10, 2002**, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: Senate Joint Resolution(s) No(s). 576, also House Bill(s) No(s). 2902 and 2996 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3097 and 556 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 3038, also House Bill(s) No(s). 2231, 2888, 3144, 2510, 2933, 102 and 2154 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3109, 2331, 2989, 2112; also House Bill(s) No(s). 347, 2513 and 2576 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2393 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2676 and 714. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CAPTION BILLS REFERRED

April 9, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1430 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 1430** -- Taxes, Exemption – House Finance, Ways and Means Committee

CAPTION BILLS REFERRED

April 10, 2002

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1434 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 1434** -- Highways, Roads and Bridges – House Judiciary Committee

CONSENT CALENDAR

House Joint Resolution No. 811 -- Memorials, Professional Achievement - Laura Gill Bailey, 2001 Powell Business and Professional Association Woman of the Year. by *Dunn, *Bittle, *Buttry, *Tindell, *Hagood, *Boyer.

House Bill No. 2686 -- Smith County - Pursuant to local request, restructures Smith County board of education from seven to eight members to conform to county legislative districts. - Repeals Chapter 46 of the Private Acts of 1959. by *Buck.

House Bill No. 3211 -- Weakley County - Subject to local approval, increases compensation of Weakley County highway commissioners from not less than \$200 per month to not less than \$300 per month, effective September 1, 2002. Amends Chapter 640 of the Private Acts of 1949; as amended. by *Maddox.

House Bill No. 3254 -- Meigs County - Subject to local approval, reconstitutes board of education. by *Newton. (SB3198 by *Elsea)

House Bill No. 3258 -- Alcoa - Subject to local approval, authorizes nonresident property owners to vote in municipal elections if they own at least 50 percent fee simple interest in real property that is located within municipal limits and has total appraised value of at least \$250,000. Amends Chapter 510 of the Private Acts of 1919; as amended. by *McCord. (SB3202 by *Clabough)

House Bill No. 3257 -- Gibson County - Pursuant to local request, revises tax rate of Trenton Special School District. by *Phelan. (SB3204 by *Carter)

House Bill No. 3230 -- Trezevant - Subject to local approval, revises powers of mayor and alderman and revises method for appointing vice-mayor. Amends Chapter 29 of the Private Acts of 1965; as amended. by *Phelan. (SB3180 by *Carter)

House Bill No. 3253 -- Loudon County - Subject to local approval, increases school board to 10 members. - Repeals Chapter 172 of the Private Acts of 1979. by *Johnson. (SB3197 by *McNally)

On motion, House Bill No. 3253 was made to conform with **Senate Bill No. 3197**; the Senate Bill was substituted for the House Bill.

House Bill No. 3255 -- Lafayette - Subject to local approval, increases salary of council members from \$45.00 to \$100 per council meeting attended and from \$25.00 to \$50.00 per committee meeting attended, as approved by mayor. Amends Chapter 325 of the Private Acts of 1945; as amended. by *Buck. (SB3199 by *Burks)

House Bill No. 3256 -- Dickson - Subject to local approval, revises provisions of Greater Dickson Gas Authority Act. Amends Chapter 50 of the Private Acts of 1989. by *Shepard.

House Bill No. 2592 -- Private Protective Services - Requires trainers and managers of private protective services companies to have six hours of continuing education annually. Amends TCA Title 62, Chapter 35. by *West. (*SB2703 by *Davis L)

House Bill No. 2593 -- Workers' Compensation - Requires annual report of employers without workers' compensation coverage to specify how long such employers were without coverage Amends TCA Section 50-6-132. by *West. (*SB2259 by *Cooper J)

House Bill No. 2613 -- Law Enforcement - Requires law enforcement officers working security in Davidson County, if Davidson County is not their primary county, to notify chief law enforcement officer; requires such law enforcement officer to wear insignia or lettering designating such officer's primary county. Amends TCA Title 8, Chapter 8 and Title 62, Chapter 35, Part 1. by *West, *Jones, S., *Turner (Davidson). (*SB2753 by *Haynes, *Henry)

House Bill No. 2696 -- Fire Prevention and Investigation - Authorizes owners of property on which fire protection sprinkler systems are installed to perform simple maintenance on such sprinkler systems. Amends TCA Title 62, Chapter 32, Part 1. by *Garrett, *Phelan. (*SB2765 by *Haynes)

On motion, House Bill No. 2696 was made to conform with **Senate Bill No. 2765**; the Senate Bill was substituted for the House Bill.

House Bill No. 2535 -- Highway Signs - "Tina Turner Highway", S.R. 19 from "Nutbush City Limits" to Brownsville city limits in Haywood County. by *Fitzhugh, *Naifeh, *Shaw, *Langster, *Pruitt. (*SB2798 by *Wilder, *Cohen, *Harper, *Dixon)

On motion, House Bill No. 2535 was made to conform with **Senate Bill No. 2798**; the Senate Bill was substituted for the House Bill.

House Bill No. 3078 -- Highway Signs - "Doctor M.B. Feemster Memorial Bridge", bridge spanning Wolf River on S.R. 57 in Fayette County. by *Fitzhugh. (*SB2774 by *Wilder)

On motion, House Bill No. 3078 was made to conform with **Senate Bill No. 2774**; the Senate Bill was substituted for the House Bill.

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

House Bill No. 1516 -- Real Estate Agents and Brokers - Allows brokers to devote part time to real estate profession as long as adequate supervision over licensees maintained. Amends TCA Title 62, Chapter 13, Part 3. by *Pinion. (*SB1157 by *Herron)

***House Bill No. 2227** -- Taxes - Changes qualifying period of confinement as prisoner of war for 100 percent disabled veterans seeking property tax relief from five months to 30 days. Amends TCA Section 67-5-704. by *Overbey, *Sargent. (SB2577 by *Clabough)

House Joint Resolution No. 740 -- Naming and Designating - National Child Abuse Prevention and Awareness Month, April 2002. by *Davis (Washington).

***House Joint Resolution No. 704** -- General Assembly, Statement of Intent or Position - Expresses appreciation to Tennessee Congressional Delegation for securing Section 5309 public bus and rail funding; urges Delegation to assist in securing funding for fiscal year 2002-2003. by *Ridgeway.

***House Resolution No. 222** -- General Assembly, Statement of Intent or Position - Endorses participation of Republic of China in World Health Organization. by *Kisber.

Senate Joint Resolution No. 596 -- Memorials, Retirement - Mr. William J. Darby, III. by *Crowe, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 598 -- Memorials, Death - Mrs. Ora S. Jackson. by *Crutchfield.

Senate Joint Resolution No. 601 -- Memorials, Recognition - Stonewall Jackson, Country Music Living Legend. by *Henry, *Rochelle.

Senate Joint Resolution No. 602 -- Memorials, Recognition - Sandra Rowland, TML Stand By Your Spouse Award. by *Miller J.

Senate Joint Resolution No. 603 -- Memorials, Recognition - Elmwood Cemetery, 150th Anniversary. by *Cohen, *Kyle, *Dixon.

Senate Joint Resolution No. 607 -- Memorials, Death - Osta M. Underwood. by *Henry.

Rep. Fitzhugh moved that all members voting aye on House Bill No. 2535 be added as sponsors, which motion prevailed.

Rep. Davis (Washington) moved that all members voting aye on House Joint Resolution No. 740 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2686: by Rep. Buck

House Bill No. 3258: by Rep. U. Jones

Under the rules, House Bill(s) No(s). 2686 and 3258 was/were placed at the foot of the calendar for April 17, 2002.

BILLS WITHDRAWN

On motion of Rep. Maddox, **House Bill No. 3211** was withdrawn from the House.

CONSENT CALENDAR, CONTINUED

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Joint Resolution No. 726 -- Memorials, Personal Occasion - Ms. Annie Cox, 79th birthday. by *Bone, *Buck.

Further consideration of House Joint Resolution No. 726 previously considered on March 14, 2002 and March 18, 2002, at which time it was reset for today's Calendar.

BILL HELD ON DESK

Rep. Bone moved that House Joint Resolution No. 726 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 1466 -- Managed Care Organizations - Establishes standard of care for managed care entities making healthcare decisions; imposes civil liability on managed care entities that fail to exercise such standard of care. Amends TCA Title 29 and Title 56. by *McMillan, *Naifeh, *Todd, *Stanley, *Odom, *Newton, *Turner (Davidson), *Williams, *Jones, S., *Briley, *Fitzhugh, *Shepard, *Turner (Hamilton), *Patton, *Ford S, *Givens, *Kent, *Cole (Carter). (*SB20 by *Kyle, *Person)

Further consideration of House Bill No. 1466 previously considered on July 11, 2001, July 12, 2001, January 8, 2002, January 28, 2002, February 18, 2002, March 11, 2002 and March 25, 2002, at which time it was reset for today's Calendar.

BILL HELD ON DESK

Rep. McMillan moved that House Bill No. 1466 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2615 -- Motor Vehicles, Titling and Registration - Specifies that payment of fee equal to cost of actually designing and manufacturing military cultural plates only applicable upon initial issuance or reissuance of plates, and not applicable at renewal. Amends TCA Title 55, Chapter 4, Part 2. by *Rowland. (*SB2764 by *Trail)

Further consideration of House Bill No. 2615 previously considered on March 18, 2002 and March 25, 2002, at which time it was reset for today's Calendar.

Rep. Rowland moved that House Bill No. 2615 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

House Bill No. 1913 -- Teachers, Principals and School Personnel - Adds "terms and conditions of service" and "working conditions" to areas of negotiation covered by Education Professional Negotiations Act; provides for liberal construction of terms. Amends TCA Section 49-5-601. by *Davidson, *Winningham, *Williams, *Shaw, *Towns, *Davis (Cocke), *Whitson, *Sands, *Jones, S.. (*SB467 by *Kyle, *Cooper J, *Crutchfield)

Further consideration of House Bill No. 1913 previously considered on March 18, 2002 and March 25, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 1913 was made to conform with **Senate Bill No. 467**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 467 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

Rep. Davidson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 467 by deleting Senate Amendment No. 2 in its entirety and by substituting the following:

(b)(____) Notwithstanding any other provision to the contrary, nothing in this act shall be construed to prevent a board of education or professional employee organization from engaging the services of qualified individuals for purposes of advice and consultation during the negotiations process. No such individual may directly serve as a negotiator as defined in section 49-5-602.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Davidson moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. McDaniel moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Newton moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 61 |
| Noes | 30 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Buck, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargett, Hargrove, Harwell, Head, Jones S, Jones U, Kernell, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Sands, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Casada, Clem, Davis (Washington), Davis (Cocke), Dunn, Godsey, Goins, Hood, Johnson, Kent, McCord, McDaniel, Montgomery, Overbey, Rhinehart, Rowland, Sargent, Scroggs, Sharp, Stanley, Vincent, Westmoreland, Wood -- 30.

Representatives present and not voting were: Patton -- 1.

Rep. Davidson moved that **Senate Bill No. 467**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 80 |
| Noes | 14 |
| Present and not voting | 3 |

Representatives voting aye were: Armstrong, Arriola, Black, Bone, Bowers, Briley, Brooks, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Baird, Beavers, Bittle, Boyer, Casada, Clem, Dunn, Johnson, McCord, McDaniel, Overbey, Rowland, Sargent, Stanley -- 14.

Representatives present and not voting were: Bunch, Patton, Rhinehart -- 3.

A motion to reconsider was tabled.

House Bill No. 1108 -- Criminal Procedure - Requires bounty hunters operating in state to attend annually eight hours of training by department of commerce and insurance, such training shall include nonviolent apprehension of persons. Amends TCA Title 40, Chapter 11, Part 3. by *West. (*SB1382 by *Kurita)

Further consideration of House Bill No. 1108 previously considered on March 14, 2002 at which time the House adopted Amendment(s) No(s). 1 and March 21, 2002, at which time it was reset for today's Calendar.

Rep. West moved that House Bill No. 1108, as amended, be passed on third and final consideration.

Rep. West moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1108 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by adding the following new subsections thereto:

(f) No person shall act as a bounty hunter in the state of Tennessee unless such person is licensed by the department of commerce and insurance.

(g) The department of commerce and insurance shall issue annual licenses for the privilege of serving as a bounty hunter in Tennessee. A license to serve as a bounty hunter shall expire twelve (12) months from the month of its issuance.

(h) The department of commerce and insurance shall require persons wishing to obtain a license to practice bounty hunting to complete training pursuant to this section before such persons are issued licenses or pocket cards. A bounty hunter shall attend at least eight (8) hours of training conducted by the Tennessee Association of Professional Bail Agents before being issued a license to practice bounty hunting and shall complete annually at least eight (8) hours of training conducted by the Tennessee Association of Professional Bail Agents before such license is renewed. Such training shall include instruction on nonviolent means of apprehending persons and the law on the apprehension of persons. Such instruction shall also include at least two (2) hours of weapons training. Upon completing the training required by this section, a bounty hunter shall receive a pocket card from the department certifying that such bounty hunter has completed the required training. All training requirements shall be developed and funded by the Tennessee Association of Professional Bail Agents. All training courses and programs shall be approved by the commissioner of commerce and insurance.

(i) Persons applying for a license as a bounty hunter shall:

(A) Agree to the release of all investigative records about the person from any source, including federal, state and local governments;

(B) Supply a fingerprint sample for the conduct of a criminal background investigation by the state bureau of investigation. If no disqualifying record is identified, the bureau shall send the fingerprints to the federal bureau of investigation for a national criminal history record check; and

(C) Furnish a copy of the pocket card issued by the department to the applicant.

(j) The commissioner shall set reasonable fees for issuance of licenses and pocket cards and for the administration of this section. The fees set by the commissioner shall include all costs for criminal background checks required by this section.

(k) The commissioner shall promulgate rules and regulations pursuant to title 4, chapter 5, to effectuate the provisions of this section. The commissioner shall assign the bounty hunting licensing program to an existing licensing program.

SECTION 2. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes it shall take effect January 1, 2003, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. West moved that **House Bill No. 1108**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Joint Resolution No. 693** -- Constitutional Amendments - Proposes amendment to Constitution of Tennessee, Article VI, Section 14, to require general assembly to prescribe maximum fine that, absent waiver, may be assessed without jury. by *Sands.

On motion of Rep. Sands, House Joint Resolution No. 693 was made to conform with **Senate Joint Resolution No. 555**; the Senate Joint Resolution was substituted for the House Joint Resolution.

Rep. Sands requested that the Clerk read Senate Joint Resolution No. 555 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read Senate Joint Resolution No. 555.

Rep. Sands moved that Senate Joint Resolution No. 555 be reset for the Regular Calendar on April 17, 2002, for second reading, which motion prevailed.

***House Bill No. 2914** -- Transportation, Dept. of - Authorizes commissioner to seek criminal background checks and require fingerprint samples for entry and intermediate level highway response operators and supervisors. Amends TCA Title 54, Chapter 1, Part 1. by *Newton. (SB2962 by *Haun)

Rep. Newton moved that House Bill No. 2914 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2914 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 54-1-132. The commissioner is authorized to seek criminal history background checks pursuant to § 38-6-109 for applicants for the job classes of highway response operator 1 and 2 and highway response supervisor 1 and 2. The commissioner is further authorized to require such applicants to provide fingerprint samples to the Tennessee bureau of investigation and the federal bureau of investigation for the purpose of conducting a criminal history background check.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Newton moved that **House Bill No. 2914**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 97 |
| Noes | 0 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Pleasant -- 1.

A motion to reconsider was tabled.

***House Bill No. 2093** -- Solid Waste Disposal - Requires senator and member of house who represent county where landfill or hazardous waste facility is to be located to be notified at least 30 days prior to date department of environment and conservation plans to issue permit for such landfill or facility. Amends TCA Title 68, Chapter 211; Title 68, Chapter 212 and Title 68, Chapter 213. by *Turner (Davidson). (SB2207 by *Haynes)

Rep. Turner (Davidson) moved that House Bill No. 2093 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2093 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 68-211-814(b)(2)(A), is amended by designating the existing language as sub-item (i) and by adding the following language to be designated as sub-item (ii):

(ii) Approval of a motion by the region as required pursuant to sub-item (i) for the issuance of a permit shall mean that a majority of the members present and voting, a quorum being present, vote in the affirmative to approve the issuance of the permit. A majority vote on a motion by the region against the issuance of a permit shall mean that a majority of the members present and voting, a quorum being present, vote to disapprove the issuance of the permit. An equal number of votes cast for and against a motion means that the motion fails and such action constitutes neither approval nor disapproval of the issuance of a permit and that further action shall be required by the region to approve or disapprove the issuance of the permit.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Turner (Davidson) moved that **House Bill No. 2093**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2540 -- Insurance, Life - Changes time interest begins to run on claim for benefits under life insurance policy or annuity based on death from 10th working day following date death certificate received to 15th day following date of death; interest to compound annually for period not to exceed three years from such date. Amends TCA Title 56, Chapter 7. by *Sargent. (*SB2675 by *Blackburn)

On motion, House Bill No. 2540 was made to conform with **Senate Bill No. 2675**; the Senate Bill was substituted for the House Bill.

Rep. Sargent moved that Senate Bill No. 2675 be passed on third and final consideration.

Rep. Walker moved the previous question, which motion prevailed.

Rep. Sargent moved that **Senate Bill No. 2675** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 62 |
| Noes | 22 |
| Present and not voting | 11 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Kent, McCord, McDaniel, McKee, Mumpower, Overbey, Patton, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Vincent, Walker, West, Westmoreland, Whitson, Wood -- 62.

Representatives voting no were: Briley, Brooks, Buck, Davidson, DeBerry L, Fitzhugh, Givens, Hargrove, Jones S, Langster, Lewis, Maddox, McDonald, McMillan, Montgomery, Odom, Rinks, Sands, Turner (Davidson), Windle, Winningham, Mr. Speaker Naifeh -- 22.

Representatives present and not voting were: Bowers, Chumney, Jones U, Kernell, Kisber, Miller, Newton, Phillips, Pleasant, Towns, White -- 11.

A motion to reconsider was tabled.

House Bill No. 3105 -- Taxes, Ad Valorem - Increases penalty imposed for expenses of prosecuting suits for delinquent property taxes from 10 percent to 20 percent in Knox County. Amends TCA Title 67, Chapter 5, Part 24. by *Tindell, *Buttry. (*SB2423 by *Atchley)

On motion, House Bill No. 3105 was made to conform with **Senate Bill No. 2423**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 2423 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2423 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-2410(a)(1)(B), is amended by adding the following language at the end of the sub-item:

Such twenty percent (20%) rate may be imposed by a municipal or county legislative body in any county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100), according to the 2000 federal census or any subsequent federal census, upon adoption of a resolution by a two-thirds (2/3) vote of such municipal legislative body or the county legislative body imposing such rate for those purposes described in this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Tindell moved that **Senate Bill No. 2423**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 85 |
| Noes | 4 |
| Present and not voting | 3 |

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Armstrong, Turner (Shelby), Windle, Wingham -- 4.

Representatives present and not voting were: Fowlkes, McDonald, Pruitt -- 3.

A motion to reconsider was tabled.

House Bill No. 2769 -- Sunset Laws - Tennessee soybean promotion board, June 30, 2008; deletes assessment cap on soybeans. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 20. by *Kernell, *Brooks, *Cooper B. (*SB2076 by *Harper, *Burchett)

Rep. Kernell moved that House Bill No. 2769 be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2769 By deleting Section 3 of the printed bill in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 43-20-103(a), is amended by deleting the language "at the rate of one-half cent (1/2¢) per bushel" and by substituting instead the language "at the rate of one cent (1¢) per bushel".

On motion, Agriculture Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2769**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 97 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2760 -- Sunset Laws - Commission on responsible fatherhood, June 30, 2003. Amends TCA Section 3-15-901 and TCA Title 4, Chapter 29. by *Kernell, *Brooks, *Cooper B. (*SB2090 by *Harper, *Burchett, *Trail)

Rep. Kernell moved that House Bill No. 2760 be passed on third and final consideration.

Rep. Brooks moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2760 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-225(a), is amended by adding a new item thereto, as follows:

() Commission on responsible fatherhood, created by § 3-15-901;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2760**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 3044 -- Professions and Occupations - Adds licensed senior psychological examiners and certified psychological assistants to list of persons allowed to advertise services and persons bound to keep client communications confidential; prohibits employee assistance professionals from practicing as licensed senior psychological examiners and certified psychological assistants. Amends TCA Title 62, by *Odom. (*SB2533 by *McNally)

Rep. Odom moved that House Bill No. 3044 be reset for the Regular Calendar on April 17, 2002, which motion prevailed.

House Bill No. 2981 -- Medical Occupations - Authorizes chiropractic physicians to submit written request to medical laboratory for tests appropriate to professional's practice and to have result of test reported directly to chiropractic physician. Amends TCA Section 68-29-121, by *Odom, *Jones, S., *Armstrong. (*SB2548 by *Ford J)

On motion, House Bill No. 2981 was made to conform with **Senate Bill No. 2548**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 2548** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 1 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Casada, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Clem -- 1.

A motion to reconsider was tabled.

House Bill No. 2511 -- Business and Commerce - Places certain notice and disclosure requirements on covered employer who establishes drug-free workplace. Amends TCA Title 50, Chapter 6 and Title 50, Chapter 9. by *Briley. (*SB2255 by *Cooper J)

On motion, House Bill No. 2511 was made to conform with **Senate Bill No. 2255**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that Senate Bill No. 2255 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2255 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section as indicated:

Section 50-9-114. The state or any local government, including departments, divisions, or agencies thereof, shall include within any bid or procurement specifications for construction services the following information:

(a) A statement as to whether the governmental entity issuing a construction service bid or other procurement specification operates a drug free workplace program as certified under this chapter or operates any other programs which provide for testing of employees for workplace use of drugs or alcohol; and

(b) If operating such a program, a statement which describes the government entity's drug free workplace and/or alcohol and drug testing program; and

(c) A statement that all bidders or proposals for construction services are required to submit an affidavit as part of their bid, that attests that such bidder operates a drug free workplace program or other drug or alcohol testing program with requirements at least as stringent as that of the program operated by the governmental entity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. Briley moved that **Senate Bill No. 2255**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 96 |
| Noes | 0 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

***House Bill No. 2841** -- Medical Occupations - Clarifies that provisions relative to practice of reflexology do not apply to massage therapists. Amends TCA Title 63, Chapter 30, Part 1. by *Odom. (SB3181 by *Atchley)

On motion, House Bill No. 2841 was made to conform with **Senate Bill No. 3181**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 3181 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 3181** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood -- 95.

A motion to reconsider was tabled.

***House Bill No. 2619** -- Correctional Programs - Provides that judge of circuit or criminal court as well as general sessions court can order misdemeanor sentenced to county jail or workhouse be placed on work release. Amends TCA Title 41, Chapter 2, Part 1. by *Briley, *Arriola. (SB2854 by *Henry)

Further consideration of House Bill No. 2619 previously considered on April 3, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 2619 was made to conform with **Senate Bill No. 2854**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that **Senate Bill No. 2854** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Joint Resolution No. 659** -- General Assembly, Directed Studies - Continues joint study committee on electric utility industry deregulation until February 28, 2004. by *Kisber.

Further consideration of House Joint Resolution No. 659 previously considered on April 3, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Kisber moved that House Joint Resolution No. 659 be adopted.

BILL RE-REFERRED

Rep. Kisber moved that House Joint Resolution No. 659 be re-referred to the House Subcommittee on Study Committees, which motion prevailed.

REGULAR CALENDAR, CONTINUED

Senate Joint Resolution No. 592 -- Memorials, Recognition - Honors organizers and participants of 140th Anniversary of Battle of Shiloh reenactment. by *Wilder, *Haynes, *Norris.

Further consideration of Senate Joint Resolution No. 592 previously considered on April 3, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Rinks moved that Senate Joint Resolution No. 592 be concurred in.

Rep. McDaniel moved the previous question, which motion was immediately withdrawn.

Rep. McKee moved that House Bill No. 2949 be taken up immediately after Senate Joint Resolution No. 592, which motion failed.

Rep. White requested that Senate Joint Resolution No. 592 be moved to the heel of the Calendar, which motion failed by the following vote:

| | |
|------------|----|
| Ayes | 17 |
| Noes | 74 |

Representatives voting aye were: Baird, Bittle, Buck, Bunch, Goins, Hagood, Johnson, Jones S, Kernell, McCord, Overbey, Pleasant, Ridgeway, Sands, Scroggs, Shepard, Towns -- 17.

Representatives voting no were: Armstrong, Arriola, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hargett, Hargrove, Harwell, Hood, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Rinks, Rowland, Sargent, Sharp, Shaw, Stanley, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 74.

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Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Rinks moved that **Senate Joint Resolution No. 592** be concurred in, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 93 |
| Noes | 0 |
| Present and not voting | 2 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Jones U -- 2.

A motion to reconsider was tabled.

House Bill No. 875 -- Insurance, Health, Accident - Enacts "Access to Health Carriers' Payment Policies, Rules and Fee Schedules Act." Amends TCA Title 56. by *Kisber, *Jones, S.. (*SB333 by *Clabough, *Graves)

Further consideration of House Bill No. 875 previously considered on May 10, 2001, May 14, 2001, May 16, 2001, May 17, 2001, May 21, 2001 and May 29, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 875 was made to conform with **Senate Bill No. 333**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 333 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. S. Jones requested that Amendment No. 2 be placed at the heel of the Amendments.

Rep. Odom moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Kisber moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 333 by deleting the bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section to be appropriately designated:

(a) For the purposes of this section, "Health Insurance Carrier" means any entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner of commerce and insurance, that contracts with healthcare providers in connection with a plan of health insurance, health benefits or health services.

(b) Health insurance carriers shall provide or make available to a healthcare provider, when contracting or renewing an existing contract with such provider, the payment or fee schedules or other information sufficient to enable the healthcare provider to determine the manner and amount of payments under the contract for the healthcare provider's services prior to final execution or renewal of the contract. The payment or fee schedule or other information submitted to a healthcare provider pursuant to this section shall include a description of processes and factors that may be applicable and that may affect actual payment (e.g., copayments, coinsurance, deductibles, risk sharing arrangements and liability of third parties). A health insurance carrier, upon request of a healthcare provider, shall make available to the healthcare provider examples of actual payment for procedures frequently performed by the provider that involve combinations of services or payment codes, if the actual payment for such procedures can not be ascertained from the fee schedule or other information submitted to a healthcare provider pursuant to this section. The provisions of this subsection requiring the submission of a fee schedule or other information upon renewal of an existing contract shall not be applicable to renewal of an existing contract when the payment or fee schedule previously provided to the healthcare provider has not changed.

(c) Any change to payment or fee schedules applicable to providers under contract with a health insurance carrier shall be made available to such providers at least thirty (30) days prior to the effective date of the amendment; provided, this subsection shall not apply to changes in standard codes and guidelines developed by the American Medical Association or a similar organization.

(d) A healthcare provider receiving information pursuant to subsection (b) shall not share such information with an unrelated person without the prior written consent of the health insurance carrier. The remedies available to a health insurance carrier to enforce the provision of this subsection shall include, without limitation, injunctive relief. A health insurance carrier seeking extraordinary relief to enforce this subsection shall not be required to establish irreparable harm with regard to the sharing of competitively sensitive information.

SECTION 2. The provisions of this act shall not apply to non-profit dental service corporations established under Tennessee Code Annotated, Title 56, Chapter 30.

SECTION 3. This act shall apply to all contracts, or contract renewals, entered into on or after August 1, 2002.

SECTION 4. This act shall take effect on August 1, 2002, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. S. Jones moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 333**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Joint Resolution No. 682** -- Memorials, Congress - Memorializes Congress to pass voluntary school prayer amendment to U.S. Constitution. by *Davis (Washington), *Godsey, *Mumpower, *Beavers, *Curtiss, *Maddox, *Wood, *Baird, *Dunn, *Goins, *Black, *DeBerry J, *Sharp, *Ford S, *Casada, *Walker, *Whitson, *Cole (Carter), *Kent, *Boyer, *Buttry, *Todd.

Further consideration of House Joint Resolution No. 682 previously considered on April 3, 2002, at which time it was reset for today's Calendar.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Davis (Washington) moved that House Joint Resolution No. 682 be adopted.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 682 by deleting the word "prayer" in the first resolving clause and substituting therefore the word "prayers"

On motion, Amendment No. 1 was adopted.

Rep. Briley moved to re-refer House Joint Resolution No. 682 to the House Committee on Calendar and Rules.

Rep. Rhinehart moved to table the motion to re-refer House Joint Resolution No. 682 to the House Committee on Calendar and Rules, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 53 |
| Noes | 39 |
| Present and not voting | 1 |

Representatives voting aye were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Davidson, Davis (Cocke), DeBerry J, Dunn, Ferguson, Fraley, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Kent, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Odom, Overbey, Pinion, Pleasant, Rhinehart, Roach, Rowland, Sargent, Scroggs, Sharp, Tindell, Todd, Turner (Davidson), Vincent, Walker, Westmoreland, Whitson, Windle, Winningham, Wood -- 53.

Representatives voting no were: Armstrong, Bone, Bowers, Briley, Brooks, Caldwell, Cole (Dyer), Cooper, Curtiss, DeBerry L, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Head, Jones S, Jones U, Kernell, Kisber, Langster, Maddox, McMillan, Miller, Patton, Phelan, Pruitt, Ridgeway, Rinks, Shaw, Shepard, Stanley, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Mr. Speaker Naifeh -- 39.

Representatives present and not voting were: Buck -- 1.

Rep. Goins moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 61 |
| Noes | 22 |
| Present and not voting | 2 |

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Bunch, Buttry, Casada, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), Dunn, Ferguson, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Kent, Lewis, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Pinion, Pleasant, Rhinehart, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tindell, Todd, Turner (Hamilton), Vincent, Walker, West, Westmoreland, Whitson, Windle, Winningham, Wood -- 61.

Representatives voting no were: Armstrong, Bowers, Briley, Brooks, Buck, Caldwell, Chumney, DeBerry L, Fitzhugh, Fowlkes, Jones S, Jones U, Kisber, Langster, Maddox, McMillan, Miller, Odom, Shaw, Tidwell, Towns, Turner (Shelby) -- 22.

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Representatives present and not voting were: Kernell, White -- 2.

Rep. Davis (Washington) moved that **House Joint Resolution No. 682**, as amended, be adopted, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 86 |
| Noes | 4 |
| Present and not voting | 8 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tindell, Todd, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Briley, Caldwell, Shaw, Turner (Shelby) -- 4.

Representatives present and not voting were: Bowers, Brooks, Cooper, Kisber, Langster, Pruitt, Tidwell, Towns -- 8.

A motion to reconsider was tabled.

***House Bill No. 2992** -- State Employees - Changes minimum state contribution to state employees' health insurance from 60 percent of premiums to 80 percent. Amends TCA Section 8-27-201. by *Head, *Langster, *Davidson. (SB3126 by *Rochelle)

Rep. Head moved that House Bill No. 2992 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

***House Bill No. 2883** -- Foster Care - Restates purpose of permanency hearings and available goals under permanency plans for children in custody of department of children's services to include planned permanent living arrangement instead of permanent foster care and emancipation. - TCATitles 37-2-403, 37-2-409, 37-2-411. by *Patton. (SB2930 by *Person)

Further consideration of House Bill No. 2883 previously considered on April 3, 2002, at which time it was reset for today's Calendar.

On motion, House Bill No. 2883 was made to conform with **Senate Bill No. 2930**; the Senate Bill was substituted for the House Bill.

Rep. Patton moved that **Senate Bill No. 2930** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2247** -- Employees, Employers - Reduces maximum maternity leave under statute from four months to 17 work weeks. Amends TCA Section 4-21-408. by *Sharp. (SB2309 by *Fowler)

Further consideration of House Bill No. 2247 previously considered on March 18, 2002 and April 3, 2002, at which time it was reset for today's Calendar.

Rep. Sharp moved that House Bill No. 2247 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

House Bill No. 2679 -- Nolensville - Subject to local approval, revises amount of tax imposed on new residential and non-residential development. Amends Chapter 100 of the Private Acts of 1997. by *Casada, *Sargent. (SB2874 by *Blackburn)

Further consideration of House Bill No. 2679 previously considered on March 25, 2002 and April 3, 2002, at which time it was reset for today's Calendar.

BILL HELD ON DESK

Rep. Casada moved that House Bill No. 2679 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 532 -- Traffic Safety - Enacts "Passenger Contract Carrier Safety Act of 2001." Amends TCA Title 55, Chapter 8. by *Ridgeway. (*SB389 by *Davis L)

Rep. Ridgeway moved that House Bill No. 532 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 532 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new, appropriately designated part:

Section 55-8-201. Short title.

This part shall be known and may be cited as the "Passenger Contract Carrier Safety Act of 2002".

Section 55-8-202. Regulations governing contract passenger carriers.

(a) Except as provided in subsection (b), all passenger contract carriers regularly transporting passengers within or through the state of Tennessee who operate vehicles with a seating capacity of less than eight (8) passengers, excluding the driver, and employing more than five (5) drivers must comply with the minimum safety standards established by this part.

(b) This part does not apply to:

(1) A person who makes a single daily round trip to commute to and from work;

(2) A person transporting only school children and teachers;

(3) A person operating an ambulance or funeral service;

(4) A person who, on occasion and not as a regular business enterprise, transports one (1) or more passengers for pay;

(5) A person operating a stretched-sedan type limousine;

(6) A person operating a taxicab service for the general public using vehicles with a seating capacity of fewer than seven (7) passengers; or

(7) Any public nonprofit or private nonprofit that provides transportation to the general public or to a specific client group.

Section 55-8-203. Driver qualifications.

(a)(1) Every passenger contract carrier covered pursuant to § 55-8-201 shall employ only drivers who have been examined for hearing, vision and any medical condition or drug use, either legal or illegal, which could cause impairment while driving.

(2) Such drivers must be re-examined every three (3) years to determine whether their hearing and vision is sufficient for operation of a commercial passenger vehicle and that no medical condition exists which would make them unsuitable for such employment.

(3) A minimum of twenty-five percent (25%) of the drivers of any covered passenger contract carrier shall be re-examined annually on a random basis for illegal drug use.

(b) The passenger contract carrier shall preserve and maintain records of examinations conducted pursuant to the provisions of this section at their registered place of business in Tennessee.

Section 55-8-204. Hours of service.

(a) A passenger contract carrier shall not permit, or require, any driver to remain on duty, and the driver shall not drive:

(1) More than twelve (12) hours following eight (8) consecutive hours off;

(2) If the driver's combined on-duty and drive time hours equal fifteen (15) hours since last obtaining eight (8) consecutive hours off-duty time; or

(3) If the total number of hours of on-duty time and drive time exceed seventy (70) hours in any period of eight (8) consecutive days.

However, in the event of an emergency or unforeseeable delay, a driver may drive for up to two (2) additional hours to complete an assignment or to deliver passengers to a safe location.

(b) For purposes of this section:

(1) Time spent driving a transport vehicle is considered time on duty even if no passengers are aboard the vehicle.

(2) Time spent performing any other service for the passenger contract carrier, or an associated business, during a twenty-four (24) hour period in which the transport vehicle driver is engaged in, or connected with, the movement of a transport vehicle is considered time on-duty.

(c) The passenger contract carrier shall maintain, and retain, for a period of six (6) months, accurate time records showing:

- (1) The time the driver reports for duty each day;
- (2) The total number of hours the driver is on-duty each day; and
- (3) The time the driver is released from duty each day.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Ridgeway moved that **House Bill No. 532**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2539 -- Safety, Dept. of - Authorizes and regulates use of electric personal assistive mobility device. Amends TCA Title 55. by *Ridgeway. (*SB2302 by *Haun)

Rep. Ridgeway moved that House Bill No. 2539 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2539 By deleting Section 6 in its entirety and by substituting instead the following:

SECTION 6. Notwithstanding any other provision of this act to the contrary, no county, city or town may institute a general prohibition on the use or operation of EPAMDs, provided that any such county, city or town may reasonably regulate the use or operation of EPAMDs. Such regulations may include the restriction, limitation or exclusion on the use or operation of EPAMDs, if necessary, in the interest of public safety or in the interest of the preservation of natural areas and only to the same extent as bicycles are restricted, limited or excluded.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Ridgeway moved that **House Bill No. 2539**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2271** -- Public Health - Enacts "Tennessee Emergency Health Powers Act." Amends TCA Title 68. by *Bowers. (SB2392 by *Dixon)

Further consideration of House Bill No. 2271 previously considered on March 18, 2002 and March 25, 2002, at which time the House adopted Amendment(s) No(s). 1 and 2, re-referred the bill to the Finance, Ways and Means Committee and reset the bill for today's Calendar.

On motion, House Bill No. 2271 was made to conform with **Senate Bill No. 2392**; the Senate Bill was substituted for the House Bill.

Rep. Bowers moved that Senate Bill No. 2392 be passed on third and final consideration.

On motion, Senate Bill No. 2392 was moved down 10 places on the Calendar.

House Bill No. 2335 -- Highway Signs - Talbot's Corner, I-65, Exit 87 in Davidson County. by *Garrett. (*SB2172 by *Harper)

BILL HELD ON DESK

Rep. Garrett moved that House Bill No. 2335 be held on the Clerk's desk, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2336 -- Highways, Roads and Bridges - Talbot's Corner, I-65, Exit 87 in Davidson County. by *Garrett. (*SB2169 by *Harper)

On motion, House Bill No. 2336 was made to conform with **Senate Bill No. 2169**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 2169 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2336 By inserting the following language as a new, appropriately designated section immediately preceding the effective date section:

SECTION ____.

(1) This act shall become operative only if Davidson County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Davidson County shall make such payment prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Davidson County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Davidson County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Davidson County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Garrett moved that **Senate Bill No. 2169**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2808 -- Workers' Compensation - Defines mental injury for workers' compensation law. Amends TCA Title 50, Chapter 6, by *Cole (Dyer). (*SB2568 by *Clabough)

Rep. Cole (Dyer) moved that House Bill No. 2808 be reset for the Regular Calendar on April 17, 2002, which motion prevailed.

***House Bill No. 2118** -- Alcoholic Beverages - Redefines "convention center" for purposes of authorization of sale and consumption of alcoholic beverages to include Manchester convention center. Amends TCA Title 57, Chapter 4, Part 1, by *Lewis. (SB2643 by *Cooper J)

Rep. Lewis moved that **House Bill No. 2118** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 85 |
| Noes | 8 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, Whitson, Wittingham, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Beavers, Hood, Maddox, McDonald, Pinion, Ridgeway, Windle, Wood -- 8.

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

House Bill No. 3193 -- Election Laws - Creates Class E felony for person who is not employee of election commission to give unsolicited request for application for absentee ballot; increases ratio for registered voters per voting machine from 650 to 750; makes other revisions to election laws. Amends TCA Section 2-2-109; Section 2-2-116; Section 2-3-104 and Section 2-6-202. by *Hargrove. (*SB2801 by *Rochelle)

Rep. Hargrove moved that House Bill No. 3193 be reset for the Regular Calendar on April 24, 2002, which motion prevailed.

***House Bill No. 2276** -- Workers' Compensation - Requires advisory council on workers' compensation to report to special joint committee on workers' compensation concerning settlement standards, loss costs system, and assigned risk pool by January 15, 2003. Amends TCA Title 38, Chapter 6; Title 50 and Title 56. by *Kisber. (SB2414 by *Haynes)

On motion, House Bill No. 2276 was moved down 5 places on the Calendar.

***House Bill No. 3015** -- Aged Persons - Directs commission on aging to initiate outreach program to assist elderly Tennesseans to obtain, at minimal or no cost, prescription drugs from pharmaceutical manufacturers' programs, prescribed prescription discount cards, and coverage for prescribed drugs if eligible for certain government programs, including TennCare. Amends TCA Title 71, Chapter 2. by *Kisber, *Arriola, *Overbey. (SB2990 by *Cooper J, *Dixon, *Miller J, *Henry, *Williams, Sen., *Haynes, *Wilder, *Crutchfield, *Burks, *Trail, *Davis L, *Graves, *Crowe)

On motion, House Bill No. 3015 was moved down 5 places on the Calendar.

House Bill No. 2277 -- Tennessee Regulatory Authority - Permits TRA to regulate transmission of unsolicited faxes and authorizes TRA to fine violators up to \$2,000 per unauthorized fax page; fines to be deposited to public utilities account of state treasurer. Amends TCA Title 65, Chapter 4. by *Kisber. (*SB2027 by *Henry, *Cooper J, *Cohen)

On motion, House Bill No. 2277 was moved down 5 places on the Calendar.

House Bill No. 3028 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Kisber. (*SB2840 by *Rochelle)

On motion, House Bill No. 3028 was moved down 5 places on the Calendar.

House Bill No. 2949 -- Accountants - Deletes attorney position from board of accountancy; deletes term of office of executive director of board; authorizes board to make expenditures that are provided in approved budget of board. Amends TCA Title 62, Chapter 1, Part 1. by *Rinks. (*SB2916 by *Atchley)

On motion, House Bill No. 2949 was reset for the Regular Calendar on April 17, 2002, which motion prevailed.

Senate Bill No. 2392 -- Public Health - Enacts "Tennessee Emergency Health Powers Act." Amends TCA Title 68. by *Dixon. (*HB2271 by *Bowers)

Further consideration of Senate Bill No. 2392 previously considered on today's Calendar.

Rep. Bowers moved that Senate Bill No. 2392 be passed on third and final consideration.

Rep. Armstrong moved to take up Amendment No. 6 out of order, which motion prevailed.

Rep. Armstrong moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 2392 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following language as a new, appropriately designated chapter:

§ 68-56-101. The title of this chapter is, and may be cited as, the "Tennessee Emergency Health Powers Act."

§ 68-56-102. The purpose of this chapter is to establish the framework by which the state of Tennessee will develop a comprehensive plan of preparation and response for public health emergencies that may arise from acts of bioterrorism.

§ 68-56-103. As used in this chapter, unless the context otherwise requires:

(a) "Bioterrorism" is the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population; and

(b) A "public health emergency" is an occurrence of imminent threat of an illness or health condition that:

(1) Is believed to be caused by any of the following:

(A) Bioterrorism;

(B) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

(C) A natural disaster;

(D) A chemical attack or accidental release;

or

(E) A nuclear attack or accident; and

(2) Poses a high probability of any of the following harms:

(A) A large number of deaths in the affected population;

(B) A large number of serious or long-term disabilities in the affected population; or

(C) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

§ 68-56-104. There is created the public health emergency advisory committee. The commissioner of health shall serve as an ex officio, voting member of the advisory committee and as chair of the committee. The deputy to the governor for homeland security shall serve as an ex officio, voting member of the committee and as vice chair of the committee. The governor shall appoint the following persons to also serve on the advisory committee:

(1) One (1) representative of county government;

(2) One (1) representative of county sheriffs;

(3) One (1) representative of county health departments;

(4) One (1) representative of municipal government;

(5) One (1) representative of municipal chiefs of police;

(6) One (1) representative of municipal fire chiefs;

- (7) One (1) representative of volunteer fire departments;
- (8) One (1) representative of the Tennessee emergency management agency, (TEMA);
- (9) One (1) representative of nonprofit hospitals;
- (10) One (1) representative of for-profit hospitals;
- (11) One (1) representative of hospitals owned by federal, state or local government;
- (12) One (1) representative of the Red Cross;
- (13) One (1) representative of Tennessee physicians;
- (14) One (1) representative of the university of Tennessee school of medicine;
- (15) One (1) representative of the East Tennessee state university school of medicine; and
- (16) One (1) representative of Tennessee pharmacists.

Additionally, the speaker of the senate shall appoint one (1) member of the general welfare, health and human resources committee to serve as a member of the advisory committee; and the speaker of the house of representatives shall appoint one (1) member of the health and human resources committee to serve as a member of the advisory committee.

§ 68-56-105. It shall be the duty of the public health emergency advisory committee to:

- (1) Recommend to the governor a detailed time-line for development and implementation of a comprehensive, state-wide plan for emergency preparation and response relative to bioterrorism events, infectious disease outbreaks and other public health emergencies;
- (2) Identify the general framework as well as the requirements and necessary components of such comprehensive, state-wide plan;
- (3) Recommend to the governor a detailed schedule and mechanism for the accurate assessment and periodic review of emergency preparation and response capabilities in order to facilitate and enhance planning and to assist in the identification and implementation of policy priorities;

(4) Identify the general framework as well as the requirements and necessary components of such assessment and periodic review;

(5) Recommend statutory changes necessary to implement the recommendations of the committee; and

(6) Otherwise assist the governor and the general assembly in developing, implementing and evaluating the comprehensive, state-wide plan for emergency preparation and response.

§ 68-56-106. (a) Members of the public health emergency advisory committee shall receive no salary but shall be eligible to receive reimbursement for actual and necessary expenses incurred while performing the business of the advisory committee. Such reimbursement shall be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(b) Vacancies on the committee shall be filled by the governor.

(c) The committee shall cease to exist on June 30, 2005.

§ 68-56-107. There is created the hospital bio-preparedness planning committee. The commissioner of health shall serve as an ex officio, voting member of the committee and as chair of the committee. The deputy to the governor for homeland security shall also serve as an ex officio, voting member of the committee and as vice chair of the committee. The governor shall appoint the following persons to also serve on the planning committee:

(1) One (1) representative of nonprofit hospitals;

(2) One (1) representative of for-profit hospitals;

(3) One (1) representative of hospitals owned by federal, state or local government;

(4) One (1) representative of municipal fire chiefs;

(5) One (1) representative of the Tennessee emergency management agency, (TEMA);

(6) One (1) representative of Tennessee physicians;

(7) One (1) representative of the university of Tennessee school of medicine;

(8) One (1) representative of the East Tennessee state university school of medicine; and

(9) One (1) representative of county health departments.

Additionally, the speaker of the senate shall appoint one (1) member of the senate to serve as a member of the planning committee; and the speaker of the house of representatives shall appoint one (1) member of the house of representatives to serve as a member of the planning committee.

§ 68-56-108. It shall be the duty of the hospital bio-preparedness planning committee to:

(1) Recommend to the governor a detailed time-line for development and implementation of a system of comprehensive, regional hospital plans: each regional plan shall be capable of accommodating at least five hundred (500) patients in an emergency arising from a bioterrorism event, infectious disease outbreak or other public health emergency;

(2) Identify the general framework as well as the requirements and necessary components of such regional hospital plans;

(3) Review and assess the various statutes, rules and ordinances that provide for credentialing, licensure and delegation of authority for executing emergency public health measures;

(4) Develop an emergency distribution and management plan: such plan shall identify specific personnel to be trained to receive and distribute critical stockpile items and to manage a mass distribution of vaccine or antibiotics in the event of a public health emergency;

(5) Develop a plan to continuously receive and evaluate urgent disease reports from across the state;

(6) Assess and improve epidemiological capacity within the state;

(7) Develop a plan to improve working relationships and communications among clinical laboratories, laboratory response network laboratories and public health officials;

(8) Develop a plan to ensure that the health alert network covers at least ninety percent (90%) of the state's population;

(9) Develop a plan for communications systems that provide a continuous flow of critical health information among hospital emergency departments, public health officials and law enforcement agencies;

(10) Develop a plan to enhance risk communication and information dissemination in order to educate the public regarding exposure risks and effective public responses;

(11) Assess training needs with special emphasis on emergency department personnel, infectious disease specialists, public health staff and other health care providers; and

(12) Recommend statutory changes necessary to implement the recommendations of the committee.

§ 68-56-109. (a) Members of the hospital bio-preparedness planning committee shall receive no salary but shall be eligible to receive reimbursement for actual and necessary expenses incurred while performing the business of the planning committee. Such reimbursement shall be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(b) Vacancies on the committee shall be filled by the governor.

(c) The committee shall cease to exist on June 30, 2005.

SECTION 2. To the maximum extent possible, this act shall be implemented through utilization of federal financial resources made available to the state via CDC bioterrorism funding and via HRSA hospital first allocations.

SECTION 3. This act shall take effect on becoming a law, the public welfare requiring it, and is repealed June 30, 2005.

On motion, Amendment No. 6 was adopted.

Rep. Brooks moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2392 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d).

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2392 by adding to Section 2 of the bill as amended by House Health and Human Resources Committee Amendment No. 1 (HA0809) and by House Amendment No. 2 (HA0855) the following new language:

The provisions of this act shall not be construed to be an appropriation of funds from any source, including but not limited to the federal government, and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act. If funds from any source other than those appropriated by the general appropriations act become available for funding of this act after enactment of the general appropriations act, such funds shall not be expended until the availability of the funds for such purpose is submitted by the commissioner of finance and administration to the finance, ways and means committee chairmen and until said committee chairmen have acknowledged receipt in writing thereof to the commissioner of finance and administration.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 was adopted.

Rep. Kernell moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 2392 By adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-29-225(a), is amended by adding a new item thereto, as follows:

() Public health emergency advisory committee, created by § 68-56-104;

On motion, Amendment No. 5 was adopted.

Rep. Bowers moved that **Senate Bill No. 2392**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 80 |
| Noes | 10 |
| Present and not voting | 5 |

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargrove, Harwell, Head, Hood, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Baird, Davis (Washington), Goins, Hargett, Johnson, Overbey, Sharp, Stanley, Vincent, Wood -- 10.

Representatives present and not voting were: Beavers, Bunch, Dunn, Ferguson, Mumpower -- 5.

A motion to reconsider was tabled.

House Bill No. 2669 -- DUI/DWI Offenses - Clarifies that underage driving while impaired offenses qualify for pre-trial diversion as do underage driving while impaired delinquent acts. Amends TCA Section 55-10-415. by *Jones U (Shelby). (*SB2286 by *Dixon)

Rep. U. Jones moved that **House Bill No. 2669** be passed on third and final consideration, which motion failed by the following vote:

| | |
|------------------------------|----|
| Ayes | 3 |
| Noes | 89 |
| Present and not voting | 2 |

Representatives voting aye were: Brooks, Turner (Shelby), Turner (Davidson) -- 3.

Representatives voting no were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood -- 89.

Representatives present and not voting were: Cooper, Rhinehart -- 2.

Having failed to receive a constitutional majority, House Bill No. 2669 was re-referred to the House Committee on Calendar and Rules.

***House Bill No. 3147** -- Land, Agricultural and Open Spaces - Specifies that certain regulations apply to property held jointly, in common, or by entirety and that land be noncontiguous tract within same county; eliminates certain woodlands and wastelands from classification; establishes procedure for rollback assessment and taxes. - TCA Sections 67-5-1003 through 67-5-1008. by *Fowlkes. (SB3095 by *Henry)

On motion, House Bill No. 3147 was made to conform with **Senate Bill No. 3095**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 3095 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Fowlkes moved that **Senate Bill No. 3095**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2918 -- Juries and Jurors - Allows judge sole discretion to sequester jurors in criminal cases. Amends TCA Section 40-18-116. by *Brooks. (*SB2736 by *Person)

Rep. Brooks moved that House Bill No. 2918 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2918 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-18-116, is amended by deleting this section in its entirety and substituting instead the following language:

In all criminal prosecutions, except those in which a death sentence may be rendered, jurors shall only be sequestered at the sound discretion of the trial judge, which shall prohibit the jurors from separating at times when they are not engaged upon actual trial or deliberation of the case.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Brooks moved that **House Bill No. 2918**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 85 |
| Noes | 7 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Rowland, Sands, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Beavers, Ford, McCord, Montgomery, Patton, Roach, Westmoreland -- 7.

Representatives present and not voting were: Boyer -- 1.

A motion to reconsider was tabled.

House Bill No. 2375 -- Motor Vehicles, Titling and Registration - Authorizes owner of antique motor vehicle to display license plate from era of manufacture of such antique motor vehicle if current license plate is kept in vehicle. Amends TCA Section 55-4-111. by *Hood, *Rowland, *Beavers. (*SB2217 by *Trail)

On motion, House Bill No. 2375 was made to conform with **Senate Bill No. 2217**; the Senate Bill was substituted for the House Bill.

Rep. Hood moved that **Senate Bill No. 2217** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2276** -- Workers' Compensation - Requires advisory council on workers' compensation to report to special joint committee on workers' compensation concerning settlement standards, loss costs system, and assigned risk pool by January 15, 2003. Amends TCA Title 38, Chapter 6; Title 50 and Title 56. by *Kisber. (SB2414 by *Haynes)

Further consideration of House Bill No. 2276 previously considered on today's Calendar.

On motion, House Bill No. 2276 was made to conform with **Senate Bill No. 2414**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2414 be passed on third and final consideration.

On motion, Rep. West withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2414 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 50-6-121(e), is amended by adding the following language as a new, appropriately designated subdivision:

() On or before January 15, 2003, the council shall study and report on the impact of Tennessee Code Annotated 50-6-110(c) on the payment of a health care provider's claim for emergency and stabilization services provided to an employee covered by workers' compensation and notification of providers of health related to the workplace injury. The council may also recommend proposed legislation to address any problems related to these specific issues.

SECTION ____ Tennessee Code Annotated, Section 50-6-407(a), is amended by deleting the second sentence in its entirety and by substituting instead the following:

The certificate shall remain in force for a period to be fixed by the commissioner, but the commissioner or an agency member appointed by the commissioner may, upon thirty (30) days' notice and an opportunity for a hearing to the employer, revoke the certificate upon the presentation of satisfactory evidence for such revocation.

On motion, Consumer and Employee Affairs Committee Amendment No. 2 was adopted.

Rep. Kisber moved that **Senate Bill No. 2414**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 3015** -- Aged Persons - Directs commission on aging to initiate outreach program to assist elderly Tennesseans to obtain, at minimal or no cost, prescription drugs from pharmaceutical manufacturers' programs, prescribed prescription discount cards, and coverage for prescribed drugs if eligible for certain government programs, including TennCare. Amends TCA Title 71, Chapter 2. by *Kisber, *Arriola, *Overbey. (SB2990 by *Cooper J, *Dixon, *Miller J, *Henry, *Williams, Sen., *Haynes, *Wilder, *Crutchfield, *Burks, *Trail, *Davis L, *Graves, *Crowe)

Further consideration of House Bill No. 3015 previously considered on today's Calendar.

On motion, House Bill No. 3015 was made to conform with **Senate Bill No. 2990**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2990 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2990 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-2-105, is amended by adding the following language as a new subsection (c) and by redesignating present subsection (c) as subsection (d):

(c)(1) In addition to the powers, responsibilities and duties granted to the commission, the commission shall initiate an outreach program to provide Medicare-eligible Tennesseans information and education relative to obtaining prescription drugs at a discounted cost, and obtaining prescription drugs through programs based upon an individuals income. Education and information shall include, but not be limited to the availability of:

(A) Prescription drugs through patient assistance programs offered by pharmaceutical manufacturers;

(B) Prescription drug coverage for individuals who are eligible for TennCare, Veterans Administration programs, Medicare supplemental policies and any other program that provides such coverage; and

(C) Prescription discount cards or information on how to access other programs that provide discounted prescription drugs to eligible participants.

(2) Minimally, such outreach shall include:

(A) Assistance in the implementation of a program to assist Medicare-eligible persons in processing the necessary documents in order to participate in the programs in subdivision (1);

(B) A toll-free number manned during business hours to provide information regarding the programs outlined in subdivision (1);

(C) A website or referral to website links that provide information regarding the programs outlined in subdivision (1); and

(D) Presentations to senior groups regarding the availability of the programs outlined in subdivision (1).

(3) The commission shall implement the outreach program within the commission's available resources.

(4) The commission may delegate any or all such responsibilities to a private or public contractor.

(5) The commission is authorized to make application for grants to fund programs set out in subdivision (1) above.

(6) The commission may adopt rules in accordance with the uniform administrative procedures act, compiled in Title 4, Chapter 5, to implement this act.

(7) The commission shall file a report with the senate commerce, labor and agriculture committee and the house health and human resources committee by February 15, 2003, and annually thereafter by February 15. The report shall include, but not be limited to:

(A) The pharmacy assistance programs which were available;

(B) The outcome of each program by county and population served;

(C) What agency, contractor, or personnel provided the services;

(D) The number and location of presentations made to senior groups; and

(E) The commission's opinion as to the effectiveness of the program and any recommendations for revision, continuation, expansion or termination of such outreach program.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 2990**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2277 -- Tennessee Regulatory Authority - Permits TRA to regulate transmission of unsolicited faxes and authorizes TRA to fine violators up to \$2,000 per unauthorized fax page; fines to be deposited to public utilities account of state treasurer. Amends TCA Title 65, Chapter 4. by *Kisber. (*SB2027 by *Henry, *Cooper J, *Cohen)

Further consideration of House Bill No. 2277 previously considered on today's Calendar.

On motion, House Bill No. 2277 was made to conform with **Senate Bill No. 2027**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2027 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2027 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Nothing in this act shall apply to any organization incorporated under Section 501(c) of the Internal Revenue Code.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 2027**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 3028 -- Taxes, Sales - Imposes sales tax on charges for mobile telecommunication services subject to federal sourcing rules if customer's place of primary use is located in Tennessee. Amends TCA Section 7-86-108 and Title 67, Chapter 6. by *Kisber. (*SB2840 by *Rochelle)

Rep. Kisber moved that House Bill No. 3028 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2, which motion was immediately withdrawn.

Rep. Rhinehart moved that the House reconsider its action in withdrawing Amendment No. 1, which motion prevailed.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3028 by deleting all sections of the bill and substituting instead of the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-222, is amended by adding the following new subsection:

(d) In lieu of the price adjustment provided under subsection (c) of this section, a telephone cooperative experiencing a net tax savings solely as the result of receiving a payment under subsection (b), shall implement a revenue distribution to its patrons pursuant to Section 65-29-121.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

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On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep. Kisber moved that **House Bill No. 3028**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 95 |
| Noes | 0 |
| Present and not voting | 2 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Bowers, Kernell -- 2.

A motion to reconsider was tabled.

House Bill No. 1724 -- Equalization Board - Requires county boards of equalization to elect vice chairs. Amends TCA Title 67. by *DeBerry L. (*SB1601 by *Ford J)

On motion, House Bill No. 1724 was made to conform with **Senate Bill No. 1601**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 1601 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1601 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-212, is amended by deleting the last sentence of subsection (b)(3) and substituting the following:

Notwithstanding the date of application, the exemption shall take effect up to twenty-four (24) months earlier than the date of application, where the application was submitted due to relocation by the applicant of a use previously approved for exemption, or where denial of the application was the subject of a pending chancery court appeal on the effective date of this act. In no event may the exemption in such cases date back earlier than the date the property subject to the application began to be used for exempt purposes.

SECTION 2. Tennessee Code Annotated, Section 67-5-212, is amended by adding a new subsection thereto, as follows:

() The general assembly finds that public television broadcasting serves a valid educational purpose so long as the broadcaster holds a non-commercial educational broadcast license issued by the Federal Communications Commission; and therefore, that property, or any part thereof, owned by a public television station which is an affiliate member of the public broadcasting network, and which holds such license, whether as a transferee, successor, or otherwise, of a license formerly held by the public school board of any county having a metropolitan form of government, shall be exempt from property taxation to the extent the property is used in a manner consistent with the license.

SECTION 3. Section 1 of this act shall take effect on becoming law, the public welfare requiring it, and shall apply to applications pending or under appeal to the state board of equalization or chancery court on its effective date, but shall expire and be void and of no effect July 1, 2002. Section 2 of this act shall take effect on becoming law, the public welfare requiring it, and in addition to prospective application shall apply to applications pending or under appeal to the state board of equalization on its effective date.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **Senate Bill No. 1601**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2886** -- Adoption - Redefines "related" for purpose of adoption provisions to include siblings of whole or half degree. Amends TCA Title 36-1-102. by *Scroggs. (SB2933 by *Henry, *Williams, Sen.)

On motion, House Bill No. 2886 was made to conform with **Senate Bill No. 2933**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that **Senate Bill No. 2933** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2907** -- Child Custody and Support - Specifies monthly notice requirement and child support payment information department of human services must provide to custodial parent or caretaker of child receiving such payments from central collections and disbursement unit. Amends TCA Title 36; Title 37 and Title 71. by *Scroggs, *Kent. (SB2954 by *Person)

Rep. Scroggs moved that House Bill No. 2907 be passed on third and final consideration.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2907 by deleting SECTION 1 of the printed bill in its entirety and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Section 36-5-116, is amended by deleting subsection (e) in its entirety, and by substituting instead the following language:

(e)(1) By August 31, 2002, and to the extent required by federal law, the department of human services shall provide a monthly notice to the custodial parent or other caretaker of the child who receives child support payments from the central collections and disbursement unit established by this section, when a child support payment is received or distributed by the department during the reporting month.

(2) The recipients of monthly notices shall include:

(A) Current Families First recipients;

(B) Former Families First recipients, to include former Aid to Families with Dependent Children (AFDC) recipients;

(C) Any other persons who are recipients of Title IV-D child support services from the department; and

(D) Any other persons who receive payments from the central collections and disbursement unit.

(3) The notice to each custodial parent or other caretaker shall include, in an easily understood format, the following information relative to the child support payments:

(A) Custodial parent's or other caretaker's name;

(B) Non-custodial parent's name;

(C) TCSES case number;

(D) Court docket number;

(E) The amount of the current child support payment(s) issued to the custodial parent or other caretaker of the child;

(F) The date on which the child support payment(s) was issued to the custodial parent or other caretaker of the child;

(G) The total of all child support payments issued to date during the current year;

(H) Information regarding the right to administrative review and appeal;

(I) Understandable, case-specific information regarding negative numbers and adjustments related to the collection, distribution and disbursement of child support that are shown on the notice of collection in the cases subject to this subdivision;

(J) The date the child support payment(s) was received;

(K) The toll-free number for accessing child support customer service; and

(L) Where available, the following additional information shall be provided:

(i) The custodial parent's or other caretaker's member identification number;

(ii) The court location of the court in which the order is established;

(iii) The court-ordered child support amount for both current child support and for amounts of child support that are in arrears; and

(iv) The date of the court order in effect.

(4) In addition, for current or former recipients of Families First, the following information shall be provided to the custodial parent or caretaker of the child:

(A) Any information required by federal law or regulation;

(B) The federal rules for distribution of child support as they may be related to the specific category of either current Families First or former Families First recipients;

(C) The unmet need amount for current Families First recipients;

(D) The category, specifically either current Families First or former Families First, and a reason for any disparity between the amount received and the amount dispersed to the custodial parent or caretaker that is related to the category;

(E) The toll-free telephone number to call with questions about the unmet need amount for current Families First recipients;

(F) The amount of child support received that was treated as current child support;

(G) The amount of child support received that was treated as past due child support;

(H) A message keyed to the appearance of a collection of child support arrears from a federal income tax refund offset involving the non-custodial parent;

(I) The toll-free telephone numbers for both the IV-D child support and the IV-A Families First programs to facilitate inquiry for any questions or concerns; and

(J) General explanatory information.

(5) By April 1, 2002, child support payments sent to the custodial parent or other caretaker of the child by the central collections and disbursement unit shall include with each payment warrant, where available, the following information regarding the payment or payments:

(A) The custodial parent's or other caretaker's name and TCSES member identification number;

(B) The non-custodial parent's name;

(C) The payment warrant number;

(D) TCSES case identification number associated with each support payment included in the payment warrant;

(E) Court name and docket number from which each support payment on the payment warrant originated;

(F) The date on which the payment warrant was issued; and

(G) The total of all payments issued to date during the current year.

(6) The department may include any additional information on the notices or with the payments under this subsection as it may determine necessary or helpful to the custodial parent or other caretaker of the child.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2907 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 4. This act shall be funded by existing resources of the department of human services.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Scroggs moved that **House Bill No. 2907**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 96 |
| Noes | 0 |
| Present and not voting | 1 |

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

***House Bill No. 240** -- Child Custody and Support - Authorizes court to consider divorcing parent's refusal to attend educational session as evidence of parent's lack of good faith under parenting plan proceedings. Amends TCA Title 36, Chapter 6, Part 1. by *Patton. (SB206 by *Dixon)

On motion, House Bill No. 240 was made to conform with **Senate Bill No. 206**; the Senate Bill was substituted for the House Bill.

Rep. Patton moved that Senate Bill No. 206 be passed on third and final consideration.

On motion, Rep. Chumney withdrew Children and Family Affairs Committee Amendment No. 1.

Rep. Patton moved that **Senate Bill No. 206** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2334 -- Education - Enacts "Educational Records as Evidence Act." Amends TCA Title 49, Chapter 50. by *Wood. (*SB2267 by *Fowler)

On motion, House Bill No. 2334 was made to conform with **Senate Bill No. 2267**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 2267 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Wood moved that **Senate Bill No. 2267** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2941 -- Corporations, For Profit - Authorizes health care providers to be co-investors in professional corporation or professional limited liability company. Amends TCA Title 48, Chapter 101, Part 6 and Title 48, Chapter 248. by *Briley, *McDaniel. (*SB2927 by *Trail)

Rep. Briley moved that House Bill No. 2941 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as amended as follows:

Amendment No. 1

AMEND House Bill No. 2941 by deleting all the language after the enacting clause and substituting in its place the following language:

SECTION 1. Tennessee Code Annotated, Section 48-101-610, is amended by adding the following language as a new subsection (d):

(d) Notwithstanding any other provision of this chapter, the following health care professionals shall have a right to form and own shares in the same professional corporation formed pursuant to this chapter:

(1) Optometrists licensed under Title 63, Chapter 8, and ophthalmologists licensed under Title 63, Chapter 6 or 9; and

(2) Podiatrists licensed under Title 63, Chapter 3, and physicians licensed under Title 63, Chapter 6 or 9 (except radiologists, pathologists, or anesthesiologists). The services rendered by these health care professionals are considered related and complementary to one another; provided, nothing in this chapter shall be construed to alter the lawful scope of practice of a professional forming a professional corporation pursuant to this subsection; and further provided that nothing in this chapter shall be construed to allow any professional forming a professional corporation pursuant to this subsection to conduct the professional's practice in a manner contrary to the standards of ethics applicable to the profession. Such professional shall accurately state his or her professional credentials on any advertisement to the public.

SECTION 2. Tennessee Code Annotated, Section 48-248-401, is amended by adding the following language as a new subsection (d):

(d) Notwithstanding any other provision of this chapter, the following health care professionals shall have a right to form and become members of the same professional limited liability company formed pursuant to this chapter:

(1) Optometrists licensed under Title 63, Chapter 8, and ophthalmologists licensed under Title 63, Chapter 6 or 9; and

(2) Podiatrists licensed under Title 63, Chapter 3, and physicians licensed under Title 63, Chapter 6 or 9 (except radiologists, pathologists, or anesthesiologists). The services rendered by these health care professionals are considered related and complementary to each other; provided, nothing in this chapter shall be construed to alter the lawful scope of practice of a professional forming a professional limited liability company pursuant to this subsection; and further provided that nothing in this chapter shall be construed to allow any professional forming a professional limited liability company pursuant to this subsection to conduct the professional's practice in a manner contrary to the standards of ethics applicable to the profession. Such professional shall accurately state his or her professional credentials on any advertisement to the public

SECTION 3. This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 as amended was adopted.

Rep. Briley moved that **House Bill No. 2941**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2394 -- Arrests - Clarifies that officer may issue citation to person charged with violating financial responsibility law instead of keeping such person in custody. Amends TCA Section 40-7-118. by *Kent. (*SB2182 by *Cohen)

On motion, House Bill No. 2394 was made to conform with **Senate Bill No. 2182**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 2182 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 2182** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 1 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Rhinehart -- 1.

A motion to reconsider was tabled.

***House Bill No. 76** -- Cemeteries - Allows commissioner of commerce and insurance to terminate temporary permit for operating cemetery by giving written notice at least 20 days, instead of ten days, before effective date of termination. Amends TCA Title 46. by *Odom. (SB710 by *Ford J)

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, House Bill No. 76 was made to conform with **Senate Bill No. 710**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 710 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 710 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 2. Notwithstanding any other provision of law to the contrary, no operator or business licensed pursuant to this title shall violate any provision of the Federal Trade Act, U.S. Code title 15, relative to the sale of prearranged funeral plans or burial services.

On motion, Commerce Committee Amendment No. 2 was adopted.

Rep. Odom moved that **Senate Bill No. 710**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2069** -- Education, Higher - Renames "Nashville State Technical Institute" to be "Nashville State Community College"; provides for management control, program offerings, and continuation of existing rights and obligations. Amends TCA Title 49, Chapter 8. by *Odom, *Harwell, *Turner (Davidson), *Pruitt, *Jones, S., *Arriola, *Garrett, *West, *Briley. (SB2138 by *Henry)

On motion, House Bill No. 2069 was made to conform with **Senate Bill No. 2138**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2138 be passed on third and final consideration.

On motion, Rep. Winningham withdrew Education Committee Amendment No. 1.

On motion, Rep. Head withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Odom moved that **Senate Bill No. 2138** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2778 -- Appeal and Review - Requires circuit court to grant writ of certiorari to hear appeal from decision of board or commission revoking, suspending, or denying license or permit that is required prior to engaging in conduct protected by First Amendment. Amends TCA Title 27, Chapter 9. by *Odom. (*SB2418 by *Haynes)

On motion, House Bill No. 2778 was made to conform with **Senate Bill No. 2418**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2418 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 2418** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 96 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2622 -- Criminal Offenses - Creates criminal offense of theft of rock or stone walls punishable as Class C misdemeanor. Amends TCA Title 39, Chapter 14, Part 1. by *Odom. (*SB2377 by *Henry)

On motion, House Bill No. 2622 was made to conform with **Senate Bill No. 2377**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that Senate Bill No. 2377 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Odom moved that **Senate Bill No. 2377** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1201 -- Bonding, Surety and Professional - Requires clerks of court and Tennessee Association of Professional Bail Agents to give reports to administrative office of courts which list those professional bondsmen and bonding agents who have complied with continuing education requirements; requires administrative office of courts to issue report showing any discrepancy between two lists. Amends TCA Title 40, Chapter 11 and Title 67. by *Buck. (*SB1439 by *Person)

Rep. Buck moved that House Bill No. 1201 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1201 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-803, is amended by adding the following language at the end of the section,

"Provided further, the tax imposed by this section per bail bond shall include all charges against a defendant that are based on the same conduct or arising from the same criminal episode committed as a part of a single course of conduct leading to the arrest and charges at the time, and the tax imposed on bail bonds shall not be construed to be a separate tax on each charge arising from incidents in a single course of conduct and the same criminal episode, but for the purposes of this section shall be construed as one bail bond."

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Buck moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1201 by deleting the language "shall include all charges against a defendant that are based on the same conduct or arising from the same criminal episode" and substituting instead the language "shall be collected by bail bondsmen and shall include all charges against a defendant that are based on the same conduct and arising from the same criminal episode"

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Buck moved that Amendment No. 1 as amended, be adopted which motion prevailed.

Rep. Buck moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Buck moved that **House Bill No. 1201**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 3020** -- Firearms and Ammunition - Adds state or county magistrates to list of officials who may carry handgun pursuant to written directive and adds such magistrates to list of officials whose title provides them with defense to offense of unlawful carrying or possession of weapon. Amends TCA Title 39, Chapter 17, Part 13. by *Buck. (SB3010 by *Burchett)

Rep. Buck moved that House Bill No. 3020 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3020 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1315, is amended by deleting from the first sentence of subsection (a)(1) the language "sworn deputy sheriff, director, commissioner or retired law enforcement officer" and substituting instead the language "sworn deputy sheriff, director, commissioner, county magistrate or retired law enforcement officer".

SECTION 2. Tennessee Code Annotated, Section 39-17-1308, is amended by deleting subsection (a)(7) and substituting instead the following:

(7) By a state, county or municipal judge or any federal judge or any federal or county magistrate;

SECTION 3. This act shall take effect on July 1, 2002, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Miller moved that House Bill No. 3020 be reset for the Regular Calendar on April 17, 2002, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3119** -- Wills - Modifies current statutory language to ensure that circuit courts actually exercise concurrent jurisdiction, with courts of record having probate jurisdiction, to conduct trials upon validity of wills. Amends TCA Title 32, Chapter 4, Part 1. by *Buck, *Sands. (SB3061 by *Fowler, *Kyle)

On motion, House Bill No. 3119 was made to conform with **Senate Bill No. 3061**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 3061** be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 95 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2915** -- Transportation, Dept. of - Rewrites notice provisions regarding department removing personal property encroachments on highway right-of-ways. by *Stanley. (SB2963 by *Haun)

Rep. Stanley moved that House Bill No. 2915 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2915 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-5-136, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)(1) The department is authorized to remove, store, sell and dispose of personal property encroachments on the rights-of-way of highways under its jurisdiction at the expense of the owner.

(A) If the encroachment presents an immediate danger to the traveling public, the department may remove the encroachment without prior notice to the owner. If the owner's name and address can be ascertained by reasonable inquiry after removal, the department shall give the owner notice, by certified mail, within ten (10) calendar days of removal.

(B) If the encroachment does not present an immediate danger to the traveling public and the owner's name and address can be ascertained by reasonable inquiry, the department shall give the owner ten (10) calendar days notice, by certified mail, of its intent to remove the encroachment at the owner's expense. Such ten (10) day period shall run from the fourth day after the mailing of the notice. Upon expiration of such period, the department may remove the encroachment.

(2) The owner of personal property encroaching on the right-of-way of a highway under the jurisdiction of the department shall be liable for any damages caused to the department or to third parties by such encroaching property.

(3) The department does not have a duty to find or remove personal property encroachments on the rights-of-way under its jurisdiction.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Stanley moved that **House Bill No. 2915**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2969** -- Taxes, Ad Valorem - Increases hours of instruction needed for registration with state board of equalization as tax agent from 120 to 150 and requires agents to pass Tennessee certified assessor examination prior to registration. Amends TCA Section 67-5-1514. by *Hargett. (SB3043 by *Kyle)

Rep. Hargett moved that House Bill No. 2969 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2969 by deleting all language following the enacting clause and substituting instead the following new language:

SECTION 1. Tennessee Code Annotated Section 67-5-1514(c)(2)(B) is amended by deleting subitem (i) in its entirety and substituting instead the following:

(i) Successfully completed not less than one hundred twenty (120) classroom hours of academic instruction in subjects whose primary substance relates to property appraisal or assessment of property from a college or university, or from a nationally recognized appraisal or assessment organization approved by the board; and

SECTION 2. Tennessee Code Annotated Section 67-5-1514 (c)(2)(B) is amended by adding the following appropriately designated new subitem:

() No person shall be required to take an examination if such person has qualified and registered with the state board of equalization prior to the effective date of this act and has maintained such registration in good standing.

SECTION 3. Tennessee Code Annotated Section 67-5-1514 is amended by adding the following appropriately designated new subsection:

() To be eligible for registration under this section, an individual must establish a place of business in this state or designate an agent for service of legal process who is a resident of this state. The board may waive any registration requirement for an applicant who holds a valid registration certificate or license issued by another state that has requirements for licensing or registration of property taxpayer agents that are at least equal to the requirements of this state. An applicant for reciprocity shall apply in the same manner as any other applicant and shall furnish the department with documents and other evidence substantiating the applicant's qualifications as department.

SECTION 4. This act shall take effect upon becoming a law the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Hargett moved that **House Bill No. 2969**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3140** -- Water - Authorizes local government to assign its rights and obligations under wastewater facility revolving loan; revises provisions regarding wastewater facilities; requires all regional authorities to file annual financial audit with comptroller. - Titles 4, 7, 64 and 68 of the TCA. by *White. (SB3093 by *Henry)

Senate Amendment No. 1

AMEND House Bill No. 3140 by deleting Section 4 of the printed bill and substituting in lieu thereof the following:

SECTION 4. Tennessee Code Annotated, Section 68-221-1006(a), is hereby amended by adding the following new subsection to be appropriately designated:

() In the case of local governments with taxing power, agree to be subject to the jurisdiction of the water and waste water financing board established by this part and, in the case of all other local governments, notwithstanding any charter provisions to the contrary, agree to be subject to the jurisdiction of the utility management review board created by Title 7, Chapter 82; provided, however, that any local government in existence on the effective date hereof and under the terms hereof subject to the jurisdiction of the utility management review board, other than utility districts formed under the provisions of Title 7, Chapter 82, at any time after the effective date hereof, may irrevocably elect to come under the jurisdiction of the water and waste water financing board, and any such local government not in existence on the effective date hereof may make such irrevocable election prior to obtaining a loan from the board. All such elections shall be submitted in writing to the director, with a copy to the authority.

AND FURTHER AMEND by deleting Section 9 of the printed bill and substituting in lieu thereof the following:

Section 9. Tennessee Code Annotated, Section 68-221-1206(a), is hereby amended by adding the following new subsection to be numbered appropriately:

() In the case of local governments with taxing power, agree to be subject to the jurisdiction of the water and waste water financing board established by this part and all other local governments, notwithstanding any charter provision to the contrary, agree to be subject to the jurisdiction of the utility management review board created by Title 7, Chapter 82; provided, however, any local government in existence on the effective date hereof and under the terms hereof subject to the jurisdiction of the utility management review board, other than utility districts formed under the provisions of Title 7, Chapter 82, at any time after the effective date hereof, may irrevocably elect to come under the jurisdiction of the water and waste water financing board, and any such local government not in existence on the effective date hereof may make such irrevocable election prior to obtaining a loan from the board. All such elections shall be submitted in writing to the director, with a copy to the authority.

AND FURTHER AMEND by deleting the punctuation at the end of the amendatory language in Section 11 of the printed bill and adding the following:

, other than those agencies, authorities or instrumentalities of government electing pursuant to Section 68-221-1006(a) or 68-221-1206(a) to come under the jurisdiction of the water and waste water financing board.

Rep. White moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3140**, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2724 -- Sunset Laws - Institute for labor-management studies, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 32. by *Kernell, *Brooks, *Cooper B. (*SB2036 by *Harper, *Burchett, *Trail)

Senate Amendment No. 1

AMEND House Bill No. 2724 By deleting in its entirety Section 2 and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding a new item thereto, as follows:

() Institute for labor-management studies, created by § 4-32-101;

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2724**, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 367** -- Public Health - Enacts "Obesity Study and Prevention Act of 2001." Amends TCA Title 68, Chapter 1. by *Bowers. (SB687 by *Ford J)

Senate Amendment No. 2

AMEND House Bill No. 367 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall be repealed July 1, 2004, unless funding to conduct the study has been obtained pursuant to Section 5(b) of this act.

Senate Amendment No. 3

AMEND House Bill No. 367 In Section 2 by deleting the date "2001" and by substituting instead the date "2002".

AND FURTHER AMEND in Section 8 by deleting the language "July 1, 2001" and by substituting instead the language "July 1, 2002".

Rep. Bowers moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 367**, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2219** -- Administrative Procedure (UAPA) - Permits petition for judicial review of final decision of department of children's services in contested case to be filed in county in which one or more petitioners reside as well as in county of residence of commissioner. Amends TCA Title 4, Chapter 5. by *Dunn. (SB2366 by *Williams, Sen., *Burks)

Senate Amendment No. 1

AMEND House Bill No. 2219 by adding the following language to the end of the amendatory language of Section 1:

A person, who is aggrieved by the final determination of a hearing officer or local board of education in a special education hearing conducted pursuant to § 49-10-601, may file a petition for review in the chancery court of Davidson County or, alternatively, in the county in which the petitioner resides.

Rep. Dunn moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2219**, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 98 |
| Noes | 0 |

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for April 10, 2002:

House Resolution No. 239 -- Memorials, Personal Occasion - Mr. and Mrs. Johnnie Widner of Johnson City, 60th wedding anniversary. by *Patton, *Davis (Washington).

House Resolution No. 240 -- Memorials, Recognition - Holocaust Days of Remembrance. by *Stanley.

House Resolution No. 241 -- Memorials, Retirement - Delores Mitchell. by *Stanley, *Scroggs.

House Resolution No. 242 -- Memorials, Sports - Cordova High School Wolves. by *Stanley, *Todd, *Hargett.

House Resolution No. 243 -- Memorials, Sports - Evangelical Christian School Eagles. by *Stanley, *Hargett.

***House Resolution No. 244** -- General Assembly, Statement of Intent or Position - Declares spring and summer months as important time to provide pets with control products to protect them and their owners against diseases caused by fleas, ticks and mosquitoes; urges pet owners to visit their veterinarians during April 2002 to learn how to protect pets against potential spring and summer diseases and illnesses. by *Givens.

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

House Joint Resolution No. 812 -- Memorials, Professional Achievement - Carol Reed of Scott County, Fairview Elementary Teacher of the Year. by *Winningham.

House Joint Resolution No. 813 -- Memorials, Recognition - Cupboard Restaurant. by *DeBerry J.

House Joint Resolution No. 814 -- Memorials, Sports - Garrett Hines, Silver Medal, 2002 Winter Olympic Games. by *Turner (Shelby).

House Joint Resolution No. 815 -- Memorials, Academic Achievement - Channing Donald, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 816 -- Memorials, Academic Achievement - Ana Nichole Vinsant, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 817 -- Memorials, Academic Achievement - Jessica Heatherly, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 818 -- Memorials, Academic Achievement - Katie Arnold, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 819 -- Memorials, Academic Achievement - Jennifer Lynn Clair, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 820 -- Memorials, Academic Achievement - Kelli French, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 821 -- Memorials, Academic Achievement - Jennifer Salveson, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 822 -- Memorials, Academic Achievement - Brandon Martin, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 823 -- Memorials, Academic Achievement - Amber Williams, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 824 -- Memorials, Academic Achievement - Megan McCullah, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 825 -- Memorials, Academic Achievement - Angela Jeanette Phillips, Valedictorian, Stony Fork High School. by *Baird, *Goins.

House Joint Resolution No. 826 -- Memorials, Academic Achievement - Jessica Rose Bullock, Salutatorian, Stony Fork High School. by *Baird, *Goins.

House Joint Resolution No. 827 -- Memorials, Recognition - Tennessee High School Mighty Viking Band. by *Mumpower, *Godsey.

House Joint Resolution No. 828 -- Memorials, Retirement - Emerson "Eli" Fly. by *Pinion.

House Joint Resolution No. 829 -- Memorials, Recognition - Joey McClendon. by *Langster, *Arriola, *Naifeh, *Maddox, *Shaw, *West, *Jones, S., *Pruitt, *Odom, *Jones U (Shelby), *Davidson, *McDaniel, *Briley, *DeBerry J, *DeBerry L.

House Joint Resolution No. 831 -- Naming and Designating - "Wild Turkey Week," April 5-11, 2002. by *Bittle, *Fowlkes, *Lewis.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for April 10, 2002:

Senate Joint Resolution No. 609 -- Memorials, Death - Dr. John M. Eisenberg. by *Cohen.

Senate Joint Resolution No. 610 -- Memorials, Personal Occasion - Mr. and Mrs. Wade Hudgens, Jr., 55th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 612 -- Memorials, Congratulations - Margo McCawley. by *Person.

Senate Joint Resolution No. 613 -- Memorials, Death - J. Carson Ridenour, Sr. by *McNally.

Senate Joint Resolution No. 614 -- Memorials, Death - Tami Dawn Ashley. by *McNally.

Senate Joint Resolution No. 615 -- Memorials, Death - Kenneth L. Vander Sluis. by *McNally.

Senate Joint Resolution No. 617 -- Memorials, Recognition - Central Library of Memphis-Shelby County Public Library & Information Center. by *Cohen.

Senate Joint Resolution No. 618 -- Memorials, Sports - Dalewood Middle School Football team. by *Crutchfield.

Senate Joint Resolution No. 619 -- Memorials, Recognition - Theodore "Ted" Bryant, Sr. by *Crutchfield.

Senate Joint Resolution No. 620 -- Memorials, Sports - Eric Westmoreland. by *Crutchfield.

Senate Joint Resolution No. 621 -- Memorials, Retirement - Harold Coker. by *Fowler, *McNally.

Senate Joint Resolution No. 622 -- Memorials, Recognition - Phillips & Jordan, Inc. for work in clearing World Trade Center site. by *Burchett, *McNally, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 626 -- Memorials, Public Service - Ron Williams, White House Citizen of the Year. by *Graves.

SUPPLEMENTAL CONSENT CALENDAR

House Resolution No. 239 -- Memorials, Personal Occasion - Mr. and Mrs. Johnie Widner of Johnson City, 60th wedding anniversary. by *Patton, *Davis (Washington).

House Resolution No. 240 -- Memorials, Recognition - Holocaust Days of Remembrance. by *Stanley.

House Resolution No. 241 -- Memorials, Retirement - Delores Mitchell. by *Stanley, *Scroggs.

House Resolution No. 242 -- Memorials, Sports - Cordova High School Wolves. by *Stanley, *Todd, *Hargett.

House Resolution No. 243 -- Memorials, Sports - Evangelical Christian School Eagles. by *Stanley, *Hargett.

***House Resolution No. 244** -- General Assembly, Statement of Intent or Position - Declares spring and summer months as important time to provide pets with control products to protect them and their owners against diseases caused by fleas, ticks and mosquitoes; urges pet owners to visit their veterinarians during April 2002 to learn how to protect pets against potential spring and summer diseases and illnesses. by *Givens.

House Joint Resolution No. 812 -- Memorials, Professional Achievement - Carol Reed of Scott County, Fairview Elementary Teacher of the Year. by *Winningham.

House Joint Resolution No. 813 -- Memorials, Recognition - Cupboard Restaurant. by *DeBerry J.

House Joint Resolution No. 814 -- Memorials, Sports - Garrett Hines, Silver Medal, 2002 Winter Olympic Games. by *Turner (Shelby).

House Joint Resolution No. 815 -- Memorials, Academic Achievement - Channing Donald, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 816 -- Memorials, Academic Achievement - Ana Nichole Vinsant, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 817 -- Memorials, Academic Achievement - Jessica Heatherly, Valedictorian, Campbell County High School. by *Baird, *Goins.

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

House Joint Resolution No. 818 -- Memorials, Academic Achievement - Katie Arnold, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 819 -- Memorials, Academic Achievement - Jennifer Lynn Clair, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 820 -- Memorials, Academic Achievement - Kelli French, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 821 -- Memorials, Academic Achievement - Jennifer Salveson, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 822 -- Memorials, Academic Achievement - Brandon Martin, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 823 -- Memorials, Academic Achievement - Amber Williams, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 824 -- Memorials, Academic Achievement - Megan McCullah, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 825 -- Memorials, Academic Achievement - Angela Jeanette Phillips, Valedictorian, Stony Fork High School. by *Baird, *Goins.

House Joint Resolution No. 826 -- Memorials, Academic Achievement - Jessica Rose Bullock, Salutatorian, Stony Fork High School. by *Baird, *Goins.

House Joint Resolution No. 827 -- Memorials, Recognition - Tennessee High School Mighty Viking Band. by *Mumpower, *Godsey.

House Joint Resolution No. 828 -- Memorials, Retirement - Emerson "Eli" Fly. by *Pinion.

House Joint Resolution No. 829 -- Memorials, Recognition - Joey McClendon. by *Langster, *Arriola, *Naifeh, *Maddox, *Shaw, *West, *Jones, S., *Pruitt, *Odom, *Jones U (Shelby), *Davidson, *McDaniel, *Briley, *DeBerry J, *DeBerry L.

House Joint Resolution No. 831 -- Naming and Designating - "Wild Turkey Week," April 5-11, 2002. by *Bittle, *Fowlkes, *Lewis.

Senate Joint Resolution No. 609 -- Memorials, Death - Dr. John M. Eisenberg. by *Cohen.

Senate Joint Resolution No. 610 -- Memorials, Personal Occasion - Mr. and Mrs. Wade Hudgens, Jr., 55th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 612 -- Memorials, Congratulations - Margo McCawley. by *Person.

Senate Joint Resolution No. 613 -- Memorials, Death - J. Carson Ridenour, Sr. by *McNally.

Senate Joint Resolution No. 614 -- Memorials, Death - Tami Dawn Ashley. by *McNally.

Senate Joint Resolution No. 615 -- Memorials, Death - Kenneth L. Vander Sluis. by *McNally.

Senate Joint Resolution No. 617 -- Memorials, Recognition - Central Library of Memphis-Shelby County Public Library & Information Center. by *Cohen.

Senate Joint Resolution No. 618 -- Memorials, Sports - Dalewood Middle School Football team. by *Crutchfield.

Senate Joint Resolution No. 619 -- Memorials, Recognition - Theodore "Ted" Bryant, Sr. by *Crutchfield.

Senate Joint Resolution No. 620 -- Memorials, Sports - Eric Westmoreland. by *Crutchfield.

Senate Joint Resolution No. 621 -- Memorials, Retirement - Harold Coker. by *Fowler, *McNally.

Senate Joint Resolution No. 622 -- Memorials, Recognition - Phillips & Jordan, Inc. for work in clearing World Trade Center site. by *Burchett, *McNally, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Eisea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams, Sen..

Senate Joint Resolution No. 626 -- Memorials, Public Service - Ron Williams, White House Citizen of the Year. by *Graves.

Rep. Pinion moved that all members voting aye House Joint Resolution No. 828 be added as sponsors, which motion prevailed.

Rep. Langster moved that all members voting aye House Joint Resolution No. 829 be added as sponsors, which motion prevailed.

Rep. McDonald moved that all members voting aye Senate Joint Resolution No. 626 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes98
Noes.....0

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. McDonald, **House Bill No. 2998** was withdrawn from the House.

BILL PLACED ON CALENDAR

Rep. Briley moved that **House Bill No. 782**, held on the Clerk's desk, be placed on the Regular Calendar for Wednesday, April 17, 2002.

RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 640 out of order, which motion prevailed.

Senate Joint Resolution No. 640 -- Memorials, Government Officials - Encourages Governor to recognize April 16, 2002, as "Equal Pay Day" in Tennessee. by *Dixon, *Blackburn, *Burks, *Graves, *Harper, *Kurita.

On motion of Rep. L. DeBerry, with the request that all members voting aye be added as sponsors, the resolution was concurred in.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 17, 2002:

House Bill No. 3169: by Rep. Fitzhugh

House Bill No. 1901: by Rep. Sands

House Bill No. 413: by Rep. Bunch

House Bill No. 2520: by Rep. Turner (Davidson)

MOTION TO RESET BILLS

Rep. Davidson moved that all bills set for the floor calendars on Thursday, April 11, 2002 and Monday, April 15, 2002 be reset for the floor calendars on Wednesday, April 17, 2002, which motion prevailed.

ANNOUNCEMENTS

SPEAKER NAIFEH'S REMARKS

All of you, I hope, are familiar with what has gone on in the daycare industry for the last few years. Most especially, to what has gone on in Shelby County for the last few years. There are children being killed. There are children that are dying, and that should be unacceptable to every one of us. It is unacceptable to me and I know it is to you also. The latest was the van, where four children were killed this past weekend. We have got to do something about that. We can not just sit by. I am going to ask that we coordinate with the Senate, with the administration, and I am glad that Commissioner Walley is here with us. It is not just his department, it is DHS, but I am going to ask that Chairman Maddox head up a small group from the House to meet with a like group from the Senate to meet with the administration and see that we get something done on this, and I would like for you and the Speaker Pro Tempore [DeBerry] and Representative Kent to work as a group together on your own and go and I will talk to the Lieutenant Governor also about appointing a like group from the Senate, and we have already talked to the Governor, myself and the Speaker Pro Tempore this morning, so we want to see if we can't get some things straightened out. That is the only announcement I have.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 238: Rep(s). Davis (Washington) as prime sponsor(s).

House Bill No. 151: Rep(s). Buck as prime sponsor(s).

House Bill No. 230: Rep(s). Whitson as prime sponsor(s).

House Bill No. 756: Rep(s). Harwell as prime sponsor(s).

House Bill No. 1131: Rep(s). Montgomery, McDaniel and McCord as prime sponsor(s).

House Bill No. 1430: Rep(s). Whitson as prime sponsor(s).

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House Bill No. 1434: Rep(s). Sands as first prime sponsor(s).

House Bill No. 1434: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 2484: Rep(s). Shepard as prime sponsor(s).

House Bill No. 2556: Rep(s). West as prime sponsor(s).

House Bill No. 2557: Rep(s). West as prime sponsor(s).

House Bill No. 3184: Rep(s). Cole (Dyer) as prime sponsor(s).

House Bill No. 3186: Rep(s). Odom, Shepard, Turner (Davidson) and S. Jones as prime sponsor(s).

**ENROLLED BILLS
April 10, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1267.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 10, 2002**

The Speaker signed the following: House Bill(s) No(s). 1267.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
April 10, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1267; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE
April 10, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3245; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 710 and 2403; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 10, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3253.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 798; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1537, 2055, 2572 and 2912; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3199; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 10, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1108, 1516, 2093, 2227, 2592, 2593, 2613, 2760, 2769, 2914, 3230, 3254, 3255, 3256, 3257, also, House Joint Resolution(s) No(s). 704, 740 and 811.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 10, 2002

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 3219, with his approval.

JAY BALLARD, Counsel to the Governor.

ENROLLED BILLS

April 10, 2002

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 222; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 10, 2002

The Speaker signed the following: House Resolution(s) No(s). 222.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2568; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 2568** -- Workers' Compensation - Defines mental injury for workers' compensation law. Amends TCA Title 50, Chapter 6, by *Clabough. (HB2808 by *Cole (Dyer))

MESSAGE FROM THE SENATE

April 10, 2002

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 591, 2153, 2318, 2373, 2374, 2382, 2503, 2559, 2628, 2632, 2663 and 2928; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 591 -- Criminal Offenses - Adds DVDs containing material harmful to minors to list of media prohibited to display for sale or rental anywhere minors are lawfully admitted. Amends TCA Title 39, Chapter 17 and Title 40, by *Miller J. (*HB405 by *Bunch)

Senate Bill No. 2153 -- Education - Requires CPR training in either junior or senior high school, as established by state board of education. Amends TCA Title 49, Chapter 6, Part 12, by *Dixon, *Davis L. (*HB2086 by *Turner (Davidson), *Jones, S., *Shepard)

WEDNESDAY, APRIL 10, 2002 – EIGHTY-SECOND LEGISLATIVE DAY

***Senate Bill No. 2318** -- Domestic Violence - Establishes venue for all matters relating to orders of protection to be in county where petitioner or respondent resides or county where domestic abuse occurred. Amends TCA Title 36, Chapter 3, Part 6. by *Trail. (HB2526 by *McMillan)

***Senate Bill No. 2373** -- Election Laws - Allows coordinator of elections to sell registered voter lists at price determined by secretary of state with proceeds to be deposited in "voting machine loan fund". Amends TCA Section 2-2-138. by *Cohen. (HB2371 by *Jones U (Shelby), *Langster, *Bowers)

***Senate Bill No. 2374** -- Financial Responsibility Law - Requires issuance of citation to driver who fails to present satisfactory evidence of financial responsibility; requires that such citation identify offense charged and indicate time and place for driver to appear in court. Amends TCA Title 55, Chapter 12, Part 1. by *Cohen, *Dixon. (HB2393 by *Kent, *Bowers)

Senate Bill No. 2382 -- Welfare - Authorizes deduction from total income available for cost of long-term nursing home care for certain dental services provided to medicaid eligible recipients on-site by mobile dental services provider; establishes requirements, notification, deduction, and payment procedures for such services. Amends TCA Title 68, Chapter 11; Title 71, Chapter 1 and Title 71, Chapter 5. by *Jackson. (*HB2280 by *Kisber, *Maddox, *Jones, S., *Overbey, *Arriola, *Ferguson, *Clem, *DeBerry L., *Turner (Hamilton), *Johnson)

Senate Bill No. 2503 -- Consumer Protection - Prohibits price-gouging resulting from terrorist act, war, strike, or natural disaster. Amends TCA Title 47, Chapter 18 and Title 58, Chapter 2. by *Crutchfield, *Burks, *Crowe, *Fowler, *Person. (*HB2234 by *Odom)

***Senate Bill No. 2559** -- Divorce, Annulment and Alimony - Makes various changes to alimony and spousal support provisions. Amends TCA Title 36, Chapter 4; Title 36, Chapter 5; Title 36, Chapter 6 and Title 50, Chapter 2. by *Cohen. (HB2523 by *McMillan)

Senate Bill No. 2628 -- Education - Authorizes department of education to include information on driving under influence of drugs and alcohol and consequences of being arrested for alcohol- or drug-related offense to driver education courses. Amends TCA Title 49. by *Cooper J. (*HB2301 by *Kisber)

Senate Bill No. 2632 -- Education - Authorizes state building commission to require building renovation and expansion in school systems that have been placed on probation. Amends TCA Title 49, Chapter 2. by *Cooper J. (*HB2295 by *Davis (Cocke))

Senate Bill No. 2663 -- Tobacco, Tobacco Products - Prohibits children under 12 from sitting in public smoking areas and subjects adults who supervise such children to \$50.00 fine. Amends TCA Title 39, Chapter 17. by *Dixon. (*HB2416 by *Arriola)

Senate Bill No. 2928 -- Fire Prevention and Investigation - Requires commissioner of agriculture to develop and implement fee system for division of forestry's provision of fire protection on privately-owned forest lands, such fees to be directly assessed against respective private owners of forest land. Amends TCA Title 11, Chapter 4. by *Kyle. (*HB2502 by *Kernell)

ENGROSSED BILLS

April 10, 2002

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 532, 1201, 2118, 2539, 2907, 2915, 2918, 2941, 2969, 3028, also, House Joint Resolution(s) No(s). 682.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 10, 2002

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829 and 831.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

April 10, 2002

The following local bills have been placed on the Consent Calendar for **April 17, 2002**: House Bill(s) No(s). 3259, 3260, 3261 and 3263.

ROLL CALL

The roll call was taken with the following results:

Present97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Davidson, and pursuant to House Joint Resolution No. 809, the House stood in recess until 1:00 p.m., Wednesday, April 17, 2002.